ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. cccxi.

An Act for defining and extending the Powers of the Corporation of *Oldham* in relation to the Improvement of Streets in the Borough, and to Police and other Matters of local Government, and to Gas and Water Supply; and for other Purposes. [5th *July* 1865.]

WHEREAS an Act (Local) was passed in the Seventh Year of King *George* the Fourth, intituled *An Act for paving, watching, lighting, cleansing, and improving the Township of* Oldham *in the County of* Lancaster, *and for regulating the Police thereof*, whereby Commissioners were constituted and empowered for the Purposes in the Title of that Act indicated: And whereas subsequently the Inhabitants of the Township of *Oldham* were incorporated under the Authority of the Acts relating to Municipal Corporations, and the Powers of the Commissioners under the said Local Act have since been duly transferred to and are now vested in the Corporation of the Borough of *Oldham*: And whereas on the Twenty-eighth Day of *August* One thousand eight hundred and sixty-three the Council of the Borough, with a view to alleviate the Distress existing among the Factory Operatives, and for that Object to obtain for the Borough the Benefit of a Loan under the Public Works (Manu- 7 G. 4. c. cxvii.

facturing Districts) Act, 1863, and in order to enable themselves to apply such Loan for a Place of public Recreation, and for Purposes of Street and private Improvement, and other useful Purposes in the Borough, more effectually than they would be able to apply the same under the Provisions of the said Local Act alone, did by Resolution adopt and apply to the Borough divers Parts of the Public Health Act, 1848, and the Local Government Act, 1858, and the Local Government Act (1858) Amendment Act, 1861, relative to Sewerage and Drainage, Management and Improvement of Streets, and rating and other Matters of local Government, and the Provisions so adopted and applied are now in force in relation to the Borough: And whereas it is highly inconvenient for the Borough that there should be in force therein a Variety of Provisions affecting the Improvement and Government of the Borough comprised in different Acts not harmonizing in their Language, and frequently conflicting in their Effect, and it is therefore expedient to reduce into One Act the Enactments in force relative to the Improvement and Government of the Borough, and to simplify and amend them: And whereas it is expedient at the same Time to extend in various respects the Powers of the Corporation relative to Matters comprised in the said Enactments and to other Matters of local Government: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I.—Preliminary.

Short Title.

1. This Act may be cited as "The *Oldham* Borough Improvement Act, 1865."

Commencement of Act.

2. This Act shall commence from and immediately after the Eighth Day of *November* One thousand eight hundred and sixty-five.

Interpretation of Terms.

3. In this Act—

The Term "the Borough" means the Municipal Borough of *Oldham*, and the Terms "the Corporation," "the Mayor," "the Council," "the Watch Committee," "the Town Clerk," "the Treasurer," and "the Surveyor" mean respectively the Mayor, Aldermen, and Burgesses of the Borough, and the Mayor, the Council, the Watch Committee, the Town Clerk, the Treasurer, and the Surveyor for the Time being of the Borough:

The Term "the Municipal Corporation Acts" means the Act of the Session of the Fifth and Sixth Years of King *William* the Fourth (Chapter Seventy-six), "to provide for the Regulation

"of Municipal Corporations in *England* and *Wales*," and all Acts for the Time being in force amending the same or otherwise relating to Municipal Corporations in *England*:

The Term "Person" includes an incorporated Company and any Corporation Aggregate or Sole:

The Term "Justice" means a Justice of the Peace for the Borough or a Justice of the Peace for the County Palatine of *Lancaster*:

The Term "Two Justices" means Two or more Justices assembled and acting together in Petty Sessions for the Borough, or any Stipendiary Magistrate acting for the Borough:

The Term "Court of Quarter Sessions" means the Court of General or Quarter Sessions for the County Palatine of *Lancaster* holden for the Hundred of *Salford*:

The Term "the deposited Plans, Sections, and Book of Reference" means the Plans, Sections, and Book of Reference deposited for the Purposes of the Application for this Act with the Clerk of the Peace for the County Palatine of *Lancaster*:

The Term "Street" includes the whole or any Part of any Square, Street, Highway, Road, Lane, Carriageway, Bridge, Thoroughfare, Footway, or Pathway made before or after the Commencement of this Act:

The Term "Court" means the whole or any Part of any Court, Alley, Entry, Passage, Yard, Way, or Place made before or after the Commencement of this Act, and used with or appurtenant to Two or more Dwelling Houses:

The Term "Owner" means the Person who for the Time being receives the Rackrent of the Lands with reference to which that Term is used, whether on his own Account or under or by virtue of any Mortgage or Charge, or as Agent or Trustee for any other Person, or who would so receive the same if such Lands were let at a Rackrent, and includes every successive Owner from Time to Time of such Lands for any Part of the Time during which the Enactment wherein that Term is used operates in relation to such Lands:

The Term "Occupier" means the Person for the Time being in actual Occupation or Possession of the Lands with reference to which that Term is used:

The Term "Drain" means any Drain, Pipe, Channel, or Gutter made or used for the Drainage of One Building only, or of Buildings or Lands within the same Curtilage:

The Term "Sewer" means a Culvert or Channel for the Passage of Water, Sewage, or Refuse, not being a Drain as herein-before defined:

The Term "Gas Rent" includes every Sum of Money payable to the Corporation for a Supply of Gas:

The Term "Water Rent" includes every Sum of Money payable to the Corporation for a Supply of Water:

The Term "Slaughter-house" includes a Knacker's Yard and any Building or Place used for slaughtering Animals for Sale:

The Term "any offensive Matter or Thing" includes any Night-soil, Offal, putrid Meat or Fish, Entrails, Carrion, dead Animals, Blood, Dung, Manure, Fish, Shells, Bones, Dust, Rubbish, Dirt, Litter, Ashes, Soap Lees, Gas-lime, or Refuse of any kind:

The Term "Cart" includes any Vehicle made or used for the Conveyance of Goods, Articles, Commodities, or Chattels in any Street:

The Term "Carriage" includes any Vehicle, of what Nature soever, made or used for the Conveyance of Persons in any Street:

The Term "Cattle" includes Horses, Asses, Mules, Sheep, Goats, and Swine:

The Term "Driver" means the Driver, Conductor, or Carter of any Cart or Carriage:

And with respect to the Interpretation of Terms in and for the Purposes of this Act the following Provisions shall also take effect; (namely,)

(1.) The Term "Court of competent Jurisdiction" in this Act or in any Act incorporated herewith shall have effect as if the Debt or Demand with respect to which that Term is used was an ordinary Simple Contract Debt, and not a Debt or Demand created by Statute:

(2.) The Term "Lands" in this Act or in any Act incorporated herewith, so far as the same respectively relates to the taking of Lands by Agreement, includes all Terms, Estates, Easements, Interests, Rights, and Privileges in, over, or affecting Lands, so as to authorize the granting and taking thereof, at a yearly Rent or otherwise, as may be agreed on, but so that every such Term, Estate, Easement, Interest, Right, and Privilege be taken, and every such yearly Rent be ascertained, subject and according to the Provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860."

Repeal of Oldham Improvement and Police Act and Discontinuance

4. From and after the Commencement of this Act the said Local Act shall be repealed, and the Parts of the Public Health Act, 1848, and the Local Government Act, 1858, and the Local Government Act

Act (1858) Amendment Act, 1861, adopted and applied to the Borough as aforesaid, shall cease to apply to the Borough.

of Application of Public Health Act, &c.

5. This Act shall (except where it is expressly provided otherwise) apply to and within the Borough exclusively.

Act to extend to Borough.

6. This Act shall be carried into execution by the Corporation acting by the Council and according to the Municipal Corporation Acts and other Laws for the Time being affecting the Corporation, and with all the Authorities conferred by those Acts and Laws on the Corporation, and on the Council and Committees of the Council, and the Officers, Agents, and Servants of the Corporation, with respect to Matters provided for by or comprised in the Municipal Corporation Acts, and as nearly as may be in all respects as if the Powers, Duties, and Property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts.

Act to be executed by Council.

7. Where, under the Authority of the Municipal Corporation Acts, the Council appoint out of their own Body any Committee for the Execution of any of the Purposes of this Act, they may delegate to each such Committee such of the Powers and Duties of the Corporation under this Act as the Council think fit for the Purpose of carrying into effect any specific Orders of the Council, and the Acts and Proceedings of every such Committee within the Limits of such Delegation shall be deemed the Acts and Proceedings of the Council, and the Quorum of each such Committee shall be such as the Council direct; and the Council may from Time to Time make such Regulations as they think fit for the Guidance of any such Committee, and the Council may from Time to Time remove any Members of any such Committee, and appoint in the Stead of them or any of them other Members of the Council.

Regulations as to Committees of Council.

II.—Streets and Highways.

And whereas it is expedient that better Provision be made for the Management and Improvement of Streets and Courts in the Borough, and that the Corporation be empowered to make the new Streets and to execute the Improvements of Streets herein-after in that Behalf respectively mentioned: Be it therefore further enacted as follows; (that is to say,)

8. The Management of all Streets and Courts within the Borough which at the Commencement of this Act are or thereafter become public Highways, and the Pavements and other Materials as well in the Footways as in the Carriageways of such Streets and Courts, and all Buildings, Materials, Implements, and other Things provided for

Management of Streets vested in Corporation.

the Purposes of the Highways by the Surveyors of Highways or by the Corporation, shall belong to the Corporation.

Corporation to be Surveyors of Highways.

9. The Corporation exclusively shall be the Surveyors of Highways, and shall have all such Powers and Authorities, and be subject to all such Liabilities, as any Surveyors of Highways are invested with or subject to by virtue of the Laws for the Time being in force; and the Inhabitants of the Borough shall not, in respect of any Lands within the Borough, be liable to the Payment of any Highway Rate or other Payment in respect of the making or repairing of Roads within the other Parts of the Parish in which the Borough is situate.

Corporation liable to Indictment for Want of Repairs.

10. The Corporation shall be deemed guilty of a Misdemeanor for refusing or neglecting to repair any public Highway, and shall be liable to be indicted for such Misdemeanor in the same Manner as Inhabitants are ordinarily by Law liable to be indicted in the like Case.

Power to pave Streets, &c.

11. The Corporation may from Time to Time cause all or any of the Streets and Courts under their Management to be paved, flagged, macadamized, or otherwise made good, maintained, and repaired, and the Ground or Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as they think fit, and pave, make, and repair with such Materials and in such Manner as they think fit any Footways for the Use of Passengers in any such Street or Court, making Compensation to any Person sustaining any Damage by reason of the Ground or Soil of any Street or Court being raised, lowered, or altered.

Streets may be stopped for Repairs, &c.

12. The Corporation may stop any Street or Court, and prevent all Persons from passing along and using the same, for a reasonable Time during the Construction, Alteration, Repair, or Demolition of any Sewer or Drain in or under such Street or Court, or during the Repair or Improvement of the Carriage or Foot Way of such Street or Court, or during the Execution by the Corporation of any other Work authorized by this Act.

Power to set up Posts for guarding Footways.

13. The Corporation may continue, or from Time to Time place and maintain, in any Street any Posts, Pillars, Rails, Bars, Chains, or other Fence, permanent or temporary, for the Protection of Passengers and Traffic, or for preserving any Footway clear from Annoyance, or for Prevention of Accidents, and may place Posts in the Carriageway of any Street so as to make the Crossing thereof less dangerous to Passengers.

14. If

Penalty for altering Pavement without Consent of Corporation.

14. If any Person wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, Curbstones, or other Materials of any Street or Court under the Management of the Corporation without their Consent in Writing or other lawful Authority, or if any Person wilfully or negligently damages any such Pavement, Flags, Curbstones, or other Materials, he shall be liable to a Penalty not exceeding Five Pounds, and the Corporation may reinstate the Street or Court, and recover the Expenses from him.

Definition of Buildings in Streets, &c.

15. For the Purposes of this Act Buildings and Lands shall be deemed to be in a Street or Court when they abut upon such Street or Court, or when only some Portion of waste or unoccupied Ground open to the Passage of the Public intervenes between any such Building or Lands and any such Street or Court.

Power to cause certain Streets and Courts to be sewered and paved,&c. by Owners.

16. If at any Time any Street or Court (not being a Highway repairable by the Inhabitants at large) formed, set out, or laid out either before or after the Commencement of this Act is not sewered, drained, levelled, flagged, and paved or macadamized to the Satisfaction of the Corporation, they may at any Time and from Time to Time order that it be freed from Obstruction, sewered, drained, levelled, flagged, paved, macadamized, and otherwise completed with such Materials, at such Levels, with such Inclinations, and with Sewers and Drains of such Dimensions, and that the Soil thereof be raised, lowered, or altered in such Manner and within such Time, as the Order directs, and thereupon the respective Owners of the Buildings and Lands in such Street or Court shall at their own respective Expense remove all Obstructions in, upon, or under, and sewer, drain, level, flag, pave, macadamize, and otherwise complete, such Street or Court within the Time and in the Manner prescribed in the Order.

Publication of Orders for sewering and paving, &c. Streets.

17. Every such Order shall be published once in each of Two successive Weeks in some Newspaper circulating within the Borough, and shall be publicly posted in the Street or Court to which it relates once at least in each of Three successive Weeks, and such Publication thereof shall be sufficient Notice to all Owners, Lessees, Tenants, Occupiers, and others interested in any Buildings or Lands in such Street or Court.

On Owner's Neglect to sewer and pave, &c. Power to do the Work at his Expense.

18. If any Work required to be done by any such Order is not commenced within One Month after the last Publication of such Order, or if any such Work when commenced is not carried on without unreasonable Delay, or if any such Work is not completed within the Time and in the Manner prescribed in the Order, the following Provisions shall apply to every such Case; (namely,)

(1.) The

(1.) The Corporation may at any Time and from Time to Time remove all Obstructions in, upon, or under, and sewer, drain, level, flag, pave, macadamize, or otherwise complete, the Street or Court to which the Order relates, or such Part thereof as is not done in accordance with the Order, in such Manner as they think fit:

(2.) The Corporation may charge the several Owners of Buildings or Lands in such Street or Court with the Expenses of the Execution by them of such Works, or incidental thereto, including a Commission not exceeding the Rate of Five *per Centum* on the Amount of such Expenses in respect of the Cost to the Corporation of the surveying and Superintendence of such Works (which Expenses and Commission are comprised in the Term "new Street Expenses" when hereafter used in this Act):

(3.) New Street Expenses shall be charged to such Owners in proportion to the Extent of the Frontage of their respective Buildings and Lands in the Street or Court:

(4.) Such Proportion shall be ascertained and settled by the Corporation, and such Apportionment by the Corporation shall be binding and conclusive on all Parties, unless the same is by written Notice disputed within One Month from the Time of Notice being given by the Corporation of such Apportionment:

(5.) Any such Dispute shall be settled by Arbitration:

(6.) Notwithstanding any such Dispute, such Interest on new Street Expenses as is hereafter in this Act provided for shall commence, as against each such Owner, from the Expiration of One Month from the Time of Demand by the Corporation of his Proportion of new Street Expenses:

But the Exercise of the Powers of the present Section shall be subject to the following Provisions; (namely,)

(1.) The Owner of any Building or Lands shall not be liable to be charged for the Repair of any public Highway that crosses any such Street or Court:

(2.) The Expense occasioned by the Construction of any Sewer of a larger Size, or with Materials other than would have been necessary merely for the Purpose of the Drainage of any such Street or Court, or of the Buildings or Lands therein, (such Expense to be ascertained and settled by or under the Direction of the Corporation,) shall be borne and paid by the Corporation.

Materials in Streets sewered and paved.

19. The Corporation may appropriate, use, and dispose of any old Materials existing in any Street or Court at the Time of the Execution by the Corporation of any Works in such Street or Court under

under the foregoing Provisions, allowing such Sum as the Surveyor may fix to be the Value thereof to the Owners of Buildings and Lands in such Street or Court in proportion to their Interest therein, unless such Owners, within Twenty-four Hours after Notice from the Corporation so to do, remove such Materials or their respective Proportions thereof; and any Stone, Gravel, Clay, or other Material produced in the course or in consequence of the Execution by the Corporation of any such Works may be used by them in the Execution of any Works under this Act; and in case of their so using the same, the Value thereof, to be fixed by the Surveyor, shall be paid or allowed by the Corporation to the Owners of Buildings or Lands whose Property has produced the same.

Streets sewered, paved, &c. to be public Highways.

20. When any Street or Court has been freed from Obstruction, sewered, drained, levelled, flagged, paved, macadamized, or otherwise completed to the Satisfaction of the Corporation, they shall by a Declaration recorded among the Proceedings of the Council declare the same to be a public Highway, unless the Owner or Owners of Buildings and Lands in such Street or Court extending for not less than Four Fifths of the Frontage of such Street or Court object thereto by Notice in Writing served on the Corporation within One Month after Notice of the Intention of the Corporation to make such Declaration has been put up in some conspicuous Part of the Street or Court, and from and after any such Declaration the Street or Court to which the same relates shall be a public Highway, and be repairable accordingly.

Streets may be sewered only or paved only and Expenses recovered.

21. The Corporation may, under and according to the foregoing Provisions, order any Street or Court to be sewered, drained, and levelled only, without requiring it at the same Time to be flagged and paved or macadamized; and in that Case all the Provisions of this Act with respect to the sewering, draining, levelling, flagging, paving, macadamizing, or otherwise completing of Streets and Courts shall be applicable to the sewering, draining, and levelling only of such Street or Court, and the Expenses thereof and incidental thereto, including such Commission as aforesaid, shall be deemed new Street Expenses, but a Street or Court sewered, drained, and levelled shall not be declared to be a Highway until it has also been flagged, paved, or macadamized, and otherwise completed to the Satisfaction of the Corporation; and if the Corporation at any Time after any Street or Court is sewered, drained, and levelled think proper to have the same flagged, paved, macadamized, or otherwise completed, all the Provisions of this Act with respect to sewering, draining, levelling, flagging, paving, macadamizing, or otherwise completing of Streets and Courts shall be applicable to flagging, paving, macadamizing, or otherwise completing only of such Street

or Court, and the Expenses thereof or incidental thereto, including such Commission as aforesaid, shall be deemed new Street Expenses.

Power to require Alteration of Levels of Streets.

22. The Corporation may from Time to Time by Order, in conjunction with any Order authorized by this Act relative to the Formation of any Street, direct that the Level of any Street be altered so as to be adapted, in such Manner and to such Extent as the Corporation think fit, to the Level of any adjoining or other Street, making Compensation to Owners and Occupiers of Buildings and Lands for any Damage or Expenses sustained or incurred by them by reason or in consequence or in the Execution of such Order.

Power to define new Streets.

23. The Corporation may from Time to Time by Order declare the Points or Limits at or within which any Street is for the Purposes of this Act to be taken as beginning and ending.

Exemption of Incumbent or Minister of Church, Chapel, &c. from new Street Expense.

24. Any Incumbent or Minister of any Church or Chapel consecrated or licensed, or any Minister or Trustee of any Chapel or Meeting House appropriated to Public Religious Worship and certified and recorded as such according to Law, shall not be liable to any new Street Expenses as Owner or Occupier of such Church, Chapel, or Meeting House, or of any Churchyard or Burial Ground attached thereto, situate in any Street or Court, nor shall any new Street Expenses be a Charge on such Church, Chapel, Meeting House, Churchyard, or Burial Ground, or subject the same to Distress, Execution, or other legal Process; and the Corporation may, if they think fit, execute any Works from the Expenses of which any such Incumbent, Minister, or Trustee is hereby exempted.

Except as to Part of Ripponden Roads, Road Trustees of Turnpike Roads not to collect Tolls.

25. Except as herein-after expressly provided, the Trustees of any Turnpike Road shall not, from and after the Commencement of this Act, collect any Toll on any Road within the Borough, or lay out any Money thereon: Provided always, that nothing in this Act shall apply to such Part of the *Oldham* and *Ripponden* Roads as lies within the Borough, or shall extend to prevent the Trustees of the *Oldham* and *Ripponden* Roads during the Remainder of the Term limited by the Section of "The *Oldham* and *Ripponden* Roads Act, 1861," numbered 30, from exercising any Powers conferred upon them by that Act, or to relieve the said Trustees from any Obligation or Liability thereby imposed upon them.

Provision as to Austerlands Road Trust executed under 7 W. 4. & 1 Vict. c. xliii.

26. On the Commencement of this Act the Trustees for carrying into execution the Act passed in the Session of Parliament holden in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for more effectually amending the Roads from* Manchester *in the County of* Lancaster *through* Oldham *to* Austerlands

Austerlands *in the County of* York, *and from* Oldham *to* Ashton-under-Lyne, *and from* Oldham *to* Rochdale, *and other Roads, and for making and maintaining new Lines to communicate therewith, all in the said County of* Lancaster, and hereafter in this present Section referred to as the Road Act, shall take down and remove immediately after the Commencement of this Act all and every the Toll Gates, Turnpikes, Bars, Chains, and Side Bars, and within Six Calendar Months after the Commencement of this Act all and every the Toll Houses, then respectively standing and being in, upon, or across any Part of the Roads mentioned in the Road Act which are situate within the Borough; and from and after the Commencement of this Act the Parts of the said Roads mentioned in the Road Act which are situate within the Borough shall be repaired and maintained by the Corporation, who from thenceforth shall have the Care and Management thereof; and from and after the Commencement of this Act it shall not be lawful for the said Trustees during the Continuance of the Terms or Powers of the Road Act to erect or maintain any Toll Gates, Turnpikes, Bars, Chains, Side Bars, or Toll Houses (except the said existing Toll Houses for the Removal of which Six Calendar Months is allowed as aforesaid) in, upon, or across any Part of the Roads mentioned in the Road Act which are situate within the Borough, nor to erect, set up, build, or maintain in, upon, or across any Part of those Roads which is not situate within the Borough any additional or other Toll Gate, Turnpike Bar, or Chain (except Side Gates and Side Bars as herein-after provided) over and besides such Toll Gates, Turnpike Bars, Chains, Side Bars, or Toll Houses as were respectively in existence and in use on the Parts of the said Roads respectively situate outside of the Borough on the Twelfth Day of *January* One thousand eight hundred and sixty-five; nor shall it be lawful for the said Trustees at any Time hereafter during the Continuance of the Terms or Powers of the Road Act to demand or take any higher Tolls or Sums of Money at any Toll Gate, Turnpike Bar, Chain, Side Bar, or Toll House than the reduced Tolls or Sums of Money which on the Twelfth Day of *January* One thousand eight hundred and sixty-five they were respectively authorized to demand and take at the respective Toll Gates, Turnpikes, Bars, Chains, Side Bars, or Toll Houses on the said Roads under and by virtue of the Road Act, and an Order of the said Trustees passed at a Meeting held on the Eighteenth Day of *October* One thousand eight hundred and sixty reducing the several and respective Tolls granted by the Road Act: Provided always, that notwithstanding anything in this Section or Act contained, it shall be lawful for the Trustees of the said Roads from Time to Time to erect and maintain, and afterwards to remove or discontinue and again erect, any Side Bars or Side Gates and Toll Houses respectively by the Sides of any Parts of the said Roads not situate within the Borough, but for the Purpose only of preventing or hindering Evasion of Toll at any Toll Gates or Toll

Bars respectively standing and being across any Main Line or Lines of the said Roads, and to demand and take at such Side Bars or Side Gates respectively the reduced Tolls or Sums of Money aforesaid, but so nevertheless that Payment of Toll at any such Side Bar or Side Gate on any Horse, Beast, or Cattle passing through the same shall free such Horse, Beast, or Cattle from Payment of Toll on passing on the same Day through the Toll Gate or Toll Bar across the Main Line of the said Roads whereat Evasion of Toll may be intended to be prevented by means of such Side Bar or Side Gate, and so also *vice versâ*: Provided also, that nothing herein contained shall extend to prejudice, limit, or affect the Road Act or the several Clauses, Powers, or Provisions therein respectively contained, save and except so far as the same respectively are expressly varied or limited by this present Section of this Act.

Provisions as to Shaw Road.

27. With respect to the Road or Street called *Shaw Road* the following Provisions shall take effect; namely,

(1.) The Corporation may purchase and take all private Rights of Way and other Rights in, over, or affecting the said Road or Street, and all Rights of levying Tolls in respect of Traffic thereon, and the Interests of all Persons in any Tolls so levied, and all Gates, Bars, Posts, Buildings, and Erections in, on, or over any Part of the Carriageway or Footway of the said Road or Street:

(2.) For the Purposes of such Purchase and taking all the Rights and Interests aforesaid shall be deemed to be Lands within the Meaning of this Act and of any Act incorporated herewith:

(3.) On the Completion of such Purchase and taking all the Rights and Interests aforesaid shall be by virtue of this Act absolutely extinguished, and the Corporation shall remove and abate all Gates, Bars, Posts, Buildings, Erections, or other Obstructions then existing in, on, or over any Part of the Carriageway or Footway of the said Road or Street, and thenceforth the said Road or Street shall be and continue a Street open to the Passage of the Public, and free from Encroachment, and shall be subject to all the Provisions relative to the sewering, draining, levelling, flagging, and paving or macadamizing or otherwise completing of Streets not being Highways repairable by the Inhabitants at large:

(4.) The Powers of compulsory Purchase of the Rights, Interests, and Property aforesaid by the present Section conferred on the Corporation shall not be exercised after the Expiration of Five Years after the Commencement of this Act:

(5.) Nothing in this Act shall empower the Corporation to purchase or take by Compulsion any Estate or Interest in the Soil of the said Road or Street.

28. Subject

Power to make new Streets described, &c.

28. Subject to the Provisions of this Act, the Corporation may from Time to Time on the Lands in that Behalf described in the deposited Plans and Book of Reference, and within the Limits of Deviation shown on those Plans, lay out, make, and maintain the several new Streets described on those Plans, comprising the following; (namely,)

First, a Street (No. 1) communicating between *Peter Street* and *High Street*;

Secondly, a Street (No. 2) commencing at or near the Western End of *Saint Peter's Street* at or near its Junction with *Chapel Street* and *Chapel Croft*, and terminating on the Eastern Side of *Peter Street*;

Thirdly, a Street (No. 3) communicating between *Ascroft Street* and *Peter Street*;

Fourthly, a Street (No. 4) communicating between *Terrace Street* and *Corn Street*;

And all Roadways, Pavements, Footways, Sewers, Drains, and other Works and Conveniences appearing to the Corporation necessary or proper for the Purposes of such several new Streets.

Limitation of Time for Completion of new Streets.

29. If the new Streets and Improvements of Streets in this Act described are not completed within Ten Years from the Commencement of this Act, then on the Expiration of that Period the Powers by this Act granted to the Corporation for making the same, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to widen Streets described, &c.

30. Subject to the Provisions of this Act, the Corporation may from Time to Time, on the Lands in that Behalf described in the deposited Plans and Book of Reference, and within the Limits of Deviation shown on the Plans, widen, alter, or otherwise improve the following Streets and Roads; (namely,)

The Street or Road called or known as *Bottom of Moor*, *Lees Road*, *Yorkshire Street*, *Church Lane*, *High Street*, *West Street*, *Bent* otherwise *Middleton Road*, *Lower West Street*, *Priory Street*, and *Arkwright Street*.

Power to deviate from Levels, &c.

31. In making any new Street or Improvement of a Street the Corporation may deviate to any Extent not exceeding Five Feet from the Levels defined on the deposited Sections, and may deviate from the Lines thereof respectively within the Limits of Deviation defined on the deposited Plans, but the Corporation shall not deviate beyond the last-mentioned Limits without Consent of the Person through whose Lands any such Deviation is to be made.

Provision as to Houses of Labouring Classes.

32. The Corporation shall, not less than Eight Weeks before, under the Powers of this Act, they take compulsorily in any City, Town, or Parish

Parish Houses amounting to Fifteen in Number occupied by Persons belonging to the Labouring Classes either wholly or partially as Tenants or Lodgers, make known their Intention to take such Houses by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses, and the Corporation shall not take compulsorily any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Corporation have made known their Intention to take the same in manner required by this Provision, and upon Production to any Justice of such Evidence as he shall think sufficient such Justice shall grant such Certificate accordingly.

Power to stop up Gas Street.

33. The Corporation may stop up and discontinue *Gas Street* from its Junction with *Greaves Street* to its Junction with *Southgate Street*, and on the same being stopped up the Soil thereof shall vest absolutely in the Corporation, and may be enclosed by them and added to their Lands abutting on the said Street, and all public and other Rights of Way and other Rights over the same shall be thenceforth absolutely extinguished.

Power to stop up Highways where unnecessary, &c.

34. The Corporation may from Time to Time by Order stop up wholly or partially any Highway which in their Opinion is unnecessary, on such Terms as to the vesting of the Soil and other Matters as may be agreed on between the Corporation and the Owners and Lessees of Buildings and Lands abutting on the Highway; and on any Highway being so stopped up all public and other Rights of Way and other Rights in, over, or upon the same shall be absolutely extinguished.

Power to purchase Buildings or Lands for effecting Street Improvements.

35. The Corporation may agree with the Owner of and Persons interested in any Building or Lands for the absolute Purchase of such Building or Lands, or any Part thereof, and of all subsisting Leases, Rentcharges, Annuities, Mortgages, Incumbrances, Estates, or Interests in or affecting the same, and after such Purchase may cause the Building, or the Part thereof purchased, to be taken down and removed, and the Site thereof, and the Lands purchased, or any Part thereof, to be laid into any Street or Court for widening, enlarging, or rendering more commodious the same, or to be disposed of for making new Streets, or otherwise for the Improvement of the Borough, as the Corporation think proper.

Where Buildings taken down Power to take Land to improve Street.

36. Where any Building in any Street or Court is burnt or taken down to or below Half the Front Elevation thereof, or is intended to be rebuilt or new fronted, or where it is intended to erect any new Building on Lands at the Commencement of this Act vacant or unbuilt upon in or near any Street or Court, and the Corporation are desirous of

of widening or enlarging such Street or Court, or any adjoining or neighbouring Street or Court, or of making Alterations in the Line of the Buildings therein, they may for such Purposes, by Agreement, purchase any Part of the Site of such Building, or of the Lands occupied therewith, or of such vacant Lands.

Elevations of Buildings erected on Front Land to be subject to Approval of Corporation.

37. All Buildings or Parts of Buildings erected on the Site of any Building or any Ground, which Site or Ground in consequence of any Improvement made by the Corporation becomes Front Land, or on any Lands purchased or taken by the Corporation before or after the Commencement of this Act, shall be erected according to such Plan for the Outside or Front Elevation thereof as the Corporation approve; and in case the Corporation for the Space of Twenty-one Days after any Plan is submitted to them neglect to notify their Determination in Writing with reference thereto they shall be deemed to have approved of such Plan.

Land thrown into Streets to be public Highway.

38. Any Lands purchased or taken by the Corporation, and laid into any Street, shall for ever thereafter form a Part of such Street and be a public Highway.

Buildings may be set forward for improving Line of Street.

39. The Corporation may allow, on such Terms as they think fit, any Building to be set forward for improving the Line of the Street or Court in which such Building is situated, provided that the same be not in contravention of any Covenant.

Projecting Houses when taken down to be set back.

40. When any Building, any Part of which projects beyond the regular Line of the Street or Court, or beyond the Front of the Building on either Side thereof in any Street or Court, is burnt or taken down to or below Half the Front Elevation thereof, the same shall be set back to or towards the Line of the Street or Court, or the Line of the adjoining Building, in such Manner as the Corporation direct for the Improvement of such Street or Court, the Corporation making Compensation to the Owner of such Building for any Loss or Damage sustained by him in consequence of his Building being so set back.

Future Projections of Houses, &c. to be removed on Notice.

41. The Corporation may serve Notice on the Occupier of any Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Teagle, Crane, Windlass, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection, erected or placed after the Commencement of this Act against or in front of any Building within the Borough, and being an Obstruction to the safe or convenient Passage along or through any Street or Court; and such Occupier shall within Fourteen Days after the Service of such Notice on him remove such Obstruction or Projection, or alter the same in the

the Manner required by the Notice, and in default thereof he shall be liable to a Penalty not exceeding Forty Shillings, and the Corporation may remove such Obstruction or Projection, and the Expense of such Removal shall be paid by him, and shall be recoverable as Damages; but, except where such Obstruction or Projection was made or put up by the Occupier, the Occupier shall be entitled to deduct the Expense of his removing or altering the same, as required by the Notice, from the Rent payable by him to the Owner of the Building.

Commissioners may cause existing Projections to be removed and Compensation to be made.

42. If any such Obstruction or Projection was erected or placed against or in front of any Building in any Street or Court before the Commencement of this Act, the Corporation may remove or alter the same as they think fit, first giving Notice of such intended Removal or Alteration to the Occupier of the Building Thirty Days at least before such Removal or Alteration is begun, and if such Obstruction or Projection has been lawfully made they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration.

Doors and Gates not to open outwards.

43. The Occupiers of Buildings and Lands in any Streets shall at their own respective Expense from Time to Time, within Fourteen Days next after their respectively receiving Notice in Writing from the Corporation, cause all Doors and Gates for the Time being leading into the Buildings and Lands in their respective Occupations (not being Cellar Doors or Trap Doors) which open outwards, and when open project into or over any Street, to be altered, so as not to open outwards into any Street; and if any such Occupier fails to comply with such Notice he shall be liable to a Penalty not exceeding Five Shillings for every Day during which such Failure continues after the Expiration of the Time specified in such Notice.

Cellars, &c. not to be made under, or Steps, &c. project into Streets.

44. After the Commencement of this Act it shall not be lawful for any Person, without the Consent of the Corporation first obtained in Writing, to make any Cellar, Arch, Vault, Oven, or underground Passage or other Work under any Street or Court, or to make any Cellar, Area, or Cellar Steps, or other Steps, in any Street or Court; and every such Cellar, Work, or Thing for the Time being lawfully existing shall be kept in repair by the Owner or Occupier thereof; and if any Person offends against any of the Provisions of this Section he shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Two Pounds for every Day during which such Offence continues after the Expiration of Twenty-four Hours from the Service of Notice thereof on him.

Cellar Openings to be covered or secured.

45. The Owner or Occupier of any Building shall cause the Areas of the same fronting any Street or Court to be well and sufficiently guarded

guarded by a Railing of such Materials, Dimensions, and Form as the Corporation direct; and when any Opening in any Pavement or Foot-path or other Entrance into any Vault or Cellar for the Time being lawfully exists, a Door or Covering shall be made by the Owner or Occupier of such Vault or Cellar of Iron or such other Materials and in such Manner as the Corporation direct, and such Railing, Door, or Covering shall be kept in good Repair by such Owner or Occupier; and if any such Owner or Occupier fails to comply in any respect with the Requirements of the present Section he shall be liable to a Penalty not exceeding Five Pounds.

Hoards to be set up during Progress of Buildings, &c.

46. Every Person intending to build or take down any Building, or to alter or repair the outward Part of any Building, in any Street or Court, shall, before beginning the same, cause sufficient Hoards or Fences to be put up in order to separate the Building where such Works are being carried on from the Street or Court, with a convenient Platform and Handrail, if there is Room enough, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence with such Platform and Handrail as aforesaid standing and in good Condition to the Satisfaction of the Corporation during such Time as the public Safety or Convenience requires, and shall, when required by the Corporation, in order to prevent Accidents, cause the same to be sufficiently lighted during the Night, and shall remove the same when required by the Corporation; and if any Person fails to comply in any respect with the Requirements of the present Section he shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which such Failure continues after the Expiration of Twenty-four Hours from the Service of Notice thereof on him.

Penalty for not lighting Deposits of Building Materials or Excavations.

47. When any Person lays any Building Materials, Rubbish, or other Things, or makes any Excavations, on or in any Street or Court, he shall, at his own Expense, cause the same to be sufficiently fenced, and a sufficient Light to be fixed in a proper Place upon or near the same, and to be continued every Night from Sunset to Sunrise, and shall remove such Materials or Things, or fill up such Excavation, (as the Case may be,) when required by the Corporation; and if any Person fails to comply in any respect with the Requirements of the present Section he shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which such Failure continues after the Expiration of Twenty-four Hours from the Service of Notice thereof on him.

Power to alter Names of Streets and Names to be put up

48. The Corporation may name any Street or Court which is without a Name, or which bears Two Names, and from Time to Time alter the Name of any Street or Court, and may from Time to Time paint,

and Houses to be numbered, &c.

paint, engrave, or otherwise describe and place the Name of any Street or Court on a conspicuous Part of any Building at or near each End, Corner, or Entrance thereof, and from Time to Time number on the Door thereof or otherwise every Building therein as they think proper; and if any Person wilfully destroys, obliterates, defaces, removes, or without the Consent of the Corporation alters any such Name or Number, or any Part thereof, he shall be liable to a Penalty not exceeding Forty Shillings; and when any such Number is defaced or rubbed out, the Occupier of such Building shall immediately, at his own Expense, cause the same to be reinstated, and in case he fails to do so for Seven Days after Notice in Writing given him to do so the Corporation may reinstate the Number, and recover the Expenses from him.

Register of Alteration in Names of Streets.

49. The Corporation shall keep a Register of all Alterations made by them in the Names of Streets and Courts, and such Register shall be kept in such Form as to show the Date of every such Alteration, and the Name of the Street or Court as well before as after such Alteration.

III.—Buildings.

Rules as to Erection, &c. of Dwelling Houses.

50. It shall not be lawful for any Person to erect any Dwelling Houses with their Fronts facing each other separated from each other by a Space of less than Eight Yards, except where such Dwelling Houses are erected on the Sites of Buildings built before the Commencement of this Act, and except where vacant Plots of Ground for the Time being exist in any Street or Court already partially built upon on both Sides, in which latter Case it shall be lawful to build up to the Line of the Buildings already existing in such Street or Court.

Certain Reconstructions deemed new Buildings.

51. For the Purposes of this Act the re-erecting of any Building pulled down to or below the Level of the Ground Floor thereof, or of any Building of which only the Framework is left down to the Ground Floor, or the Conversion into a Dwelling House of any Building not originally constructed for Human Habitation, or the Conversion into more than One Dwelling House of a Building originally constructed as One Dwelling House only, shall be considered the Erection of a new Building.

Power to Corporation to regulate Height of Chimneys.

52. With a view to the Prevention of Fire, and the Escape of Smoke, noisome Gases, Ashes, and other Products of Combustion, the Corporation may regulate the Height of the Chimneys of all Buildings used at or after the Commencement of this Act for the Purposes of Trade or Manufacture, or for Baths and Wash-houses, and may order that any such Chimney be altered or built so as to be of the Height specified in the Order; and if any Person does not comply

comply with the Order, or in the Case of any new Chimney neglects to give Fourteen Days Notice in Writing to the Corporation of his Intention to build the same, he shall be liable to a Penalty not exceeding Twenty Pounds.

Prohibition of Thatch.

53. If any Person covers any Building, either wholly or in part, with Straw, Thatch, or other combustible Material, he shall be liable to a Penalty not exceeding Ten Pounds, and the Corporation may order such Straw, Thatch, or other combustible Material to be removed by the Owner of such Building, and in default the Corporation may remove the same, and recover the Expenses of so doing from such Owner.

Restrictions as to Pipes and Funnels for conveying Smoke.

54. From and after the Commencement of this Act no Pipe or Funnel for conveying Smoke or Steam shall at any Time be newly fixed against any Building next to any Street or Court, or on the Inside of any Building, nearer than Nine Inches to any Timber or other combustible Material, nor shall any Funnel built or made of Brick or Stone, or both, be newly placed on the Outside of any Building next to any Street or Court so as to extend beyond the general Line of the Buildings in the Street or Court; and if any Pipe or Funnel is fixed or placed contrary to this Act, the Occupier, or in case of there being no Occupier, then the Owner of the Building to which the same belongs shall, within Fourteen Days next after receiving Notice from the Corporation, cause the same to be removed, and on default shall be liable to a Penalty of Ten Shillings a Day for every Day during which such Default continues after the Expiration of the Time specified in such Notice.

Respecting existing Contracts for Building.

55. Nothing in this Act or any Byelaw thereunder shall avoid any Agreement in Writing entered into before the Commencement of this Act for erecting or altering any Building, but the same may be performed with such Alterations as may be rendered necessary by this Act or any such Byelaw, and as if such Alterations had been stipulated for in such Agreement, and the Difference between the Cost of the Work according to the Agreement and the Cost thereof as executed according to this Act or any such Byelaw shall be ascertained by the Parties to the respective Agreements, and paid for or deducted, as the Case may require; and in case of Dispute such Difference shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor, and for his Trouble in making such Decision each Party shall pay to him such Sum, not exceeding Twenty Shillings, as the Corporation direct.

Alteration of Contracts for Building.

56. Where under a Lease or Agreement for a Lease any Person has before the Commencement of this Act covenanted or agreed to erect a Building, such Building shall be built according to the Provisions

Provisions of this Act as if this Act had been passed and in operation at the Time of the making of such Lease or Agreement, and as if the same had been made subject to this Act, and that without either Party being entitled to any Compensation.

Measurement of Front Elevation.

57. For the Purposes of this Act the Height of the Front Elevation of a Building shall be measured from the Level of the Street or Court immediately adjoining the Building to the Eaves or Square of the Building.

IV.—Byelaws as to Streets and Buildings.

Power to make Byelaws with respect to Streets, Buildings, &c.

58. The Corporation may from Time to Time make Byelaws for all or any of the following Purposes; (that is to say,)

For laying down Regulations with respect to the Level, Width, and Construction of new Streets and Courts, and the Provision to be made for the Sewerage thereof:

For laying down Regulations with respect to the Structure of Walls of Buildings, for securing Stability, and the Prevention of Fires:

For laying down Regulations with respect to the Sufficiency of the Space about Buildings to secure a free Circulation of Air, and with respect to the Ventilation of Buildings:

For laying down Regulations with respect to the Drainage of Buildings, and to Waterclosets, Privies, Ashpits, and Cesspools in connexion with Buildings, and to their Situation:

But not so as to affect by any Byelaw for any of the Purposes aforesaid any Building not being a new Building within the Meaning of this Act:

And for all or any of the following Purposes; (that is to say,)

For regulating the Thickness and Construction of Walls of or near Ovens and Furnaces built or wholly or partially rebuilt after the Commencement of this Act:

For closing Buildings or Parts of Buildings unfit for Human Habitation, and for prohibiting the Use thereof for Human Habitation:

For prohibiting the Occupation as a Dwelling or Sleeping Room of any Room any Portion whereof extends immediately over any Privy, Ashpit, Midden, or Cesspool, or for enforcing the Removal or Alteration of such Privy, Ashpit, Midden, or Cesspool:

For compelling Owners of Buildings in Streets to provide and keep proper Spouts, Troughs, and Pipes to carry off Water from the Roofs and other external Parts thereof:

And may provide for the Observance of any Byelaws made under the present Section by enacting therein such Provisions as they think necessary,—

As to the giving of Notices;

As to the Deposit of Plans and Sections by Persons intending to lay out Streets or to construct or alter Buildings;

As to Inspection by the Corporation;

And as to the Power of the Corporation to remove, alter, or pull down any Work begun or done in contravention of such Byelaws.

V.—Sewers. Sanitary Arrangements.

Sewers and other Works vested in Corporation.

59. All existing and future public Sewers and Drains within the Borough, and all existing and future Sewers and Drains in and under the Streets and Courts, with all the Works and Materials thereunto belonging, whether made or provided at the Cost of the Corporation or otherwise, and the entire Management of the same, with the Appurtenances, shall vest in and belong to the Corporation, and the Corporation shall maintain, cleanse, and flush the same.

Power to construct Sewers.

60. The Corporation may from Time to Time make under the Streets the Sewers necessary for the effectual Drainage of the Borough, and convert any open Drains or Watercourses into Sewers, and construct all Works necessary for cleansing or flushing Sewers, and, if needful, they may carry Sewers through and across underground Cellars and Vaults under any Streets; and the Corporation may continue Sewers to the most convenient Site for the Collection of Sewage, and the Disposal thereof by Sale for agricultural or other Purposes, or otherwise, but so that the same in no Case become a Nuisance; and if for effecting any of the Purposes aforesaid it is expedient to carry or construct any Works through, under, or upon any Lands within or beyond the Borough, the Corporation may so carry or construct the same accordingly, and remove all Obstructions thereupon or thereunder.

Power to enlarge or demolish Sewers.

61. The Corporation may from Time to Time, as they see fit, enlarge, alter, divert, and otherwise improve all or any of the Sewers vested in them; and if any such Sewer at any Time appears to them to have become useless, they may, if they think fit, demolish and discontinue it, but not so as to create a Nuisance; and if by reason of the Exercise of the Powers of the present Section any Person is deprived of the lawful Use of any Sewer, the Corporation shall provide some other Sewer as effectual for his Use as the one of which he is so deprived.

Compensation for Works connected with Sewers.

62. If the Owner or Occupier of any Lands is injuriously affected by the Exercise of the Powers relative to Sewers by this Act conferred on the Corporation, the Corporation shall pay to him Compensation in respect thereof.

Penalty for making unauthorized Drains.

63. If any Person not authorized by the Corporation makes any Sewer or Drain into any Sewer or Drain of the Corporation, he shall be liable to a Penalty not exceeding Five Pounds, and the Corporation may cause such Sewer or Drain to be re-made as they think fit, and may recover from him the Expenses of so doing.

Buildings over Sewers not to be made without Consent of Corporation.

64. No Building shall be erected over any Sewer belonging to the Corporation without their Consent first obtained in Writing; and all Vaults, Arches, and Cellars lawfully made under any Street shall be substantially made, and so as not to interfere or communicate with any Sewer of the Corporation; and if after the Commencement of this Act any Building is erected, or any Vault, Arch, or Cellar is made, contrary to the Provisions herein contained, the Corporation may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building, or making such Vault, Arch, or Cellar.

If any Sewer obtain an Outlet by means of another Sewer, Owners benefited to contribute.

65. If any Sewer made before or after the Commencement of this Act, at the Expense of the Owners of Buildings or Lands, in any Street or Court, is connected with or obtains an Outlet by means of a Sewer made either wholly or partially at the Expense of the Corporation, the Corporation may charge such Owners for such Connexion or Outlet any Sum not exceeding Ten *per Centum* upon their respective proportionate Parts of the Expense of making such first-mentioned Sewer.

Sewers may be made by Owners and Occupiers of Land beyond Borough.

66. Any Person being the Owner or Occupier of any Lands outside the Borough, in respect of which he would not be liable to the Payment of Rates under this Act, may, with the Consent of the Corporation first obtained in Writing, upon Payment to them of a reasonable Sum of Money to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor, cause to branch into and to communicate with any of the Sewers of the Corporation any Sewer or Drain in respect of the said Property that may be lawfully made therefrom of such Size and in such Manner and Form of Communication as the Corporation approve; but nothing in this Act shall affect any Right acquired by such Owner or Occupier independently of this Act to use any Sewer or Drain of the Corporation.

Penalty on throwing Rubbish into Sewers.

67. If any Person throws or permits to fall into any Sewer or Drain any Cinders, Ashes, Bricks, Stone, Earth, or other like Substance, he shall be liable to a Penalty not exceeding Forty Shillings.

All Sewers, &c. to be covered with Traps.

68. All Sewers and Drains, whether public or private, shall be provided by the Corporation or other Persons to whom they severally belong

belong with proper Traps or other Coverings or Means of Ventilation so as to prevent Stench.

Drains, Privies, &c. to be under Control of Corporation.

69. All Drains, Privies, Ashpits, and Cesspools shall be under the Survey and Control of the Corporation, and shall be altered, repaired, and kept in proper Order at the Expense of the Owners of the Lands and Buildings to which the same belong, or for the Use of which they are constructed or continued.

Connexions of Drains with Sewers.

70. The Corporation may by Notice require the Owner of any Building or Lands (not being Lands used exclusively for agricultural Purposes) in their Opinion insufficiently drained to construct a Drain in such Position, of such Size, and of such Materials, and at such Levels, as seem to the Corporation sufficient for the Purpose of effectually draining the same; and if the Corporation have a suitable Sewer or the Right to use such a Sewer within One hundred Feet from such Building or the Boundary of such Lands, they may require such Owner to connect such Drain with such Sewer, or if they have not any suitable Sewer or Right to use such a Sewer within that Distance, then to connect such Drain with some proper Receptacle, not being underneath any House, and not being at a greater Distance than the Limit aforesaid, and the Owner shall keep such Drain in repair and from Time to Time cleanse the same to the Satisfaction of the Corporation: Provided that nothing in this Section shall make it obligatory on any such Owner to acquire any Land or Easement for the Purpose of constructing any Drain or Receptacle, or of connecting any Drain with any Sewer.

Power to enter and inspect Premises, to ascertain State of Drainage, &c.

71. Where in the Opinion of the Corporation there is reasonable Ground to believe that the Drainage of any Building or of any Lands (not being Lands used exclusively for agricultural Purposes) is defective, and in any Case where the Drains from any Building or Lands pass through any other Building or Lands, the Corporation may, between the Hours of Eight o'Clock in the Morning and Six o'Clock in the Evening, enter upon and inspect any such Building or Lands, and, if need be, make such Excavations or Examination thereon or therein as they think fit, with a view of ascertaining the State of the Drainage thereof, and of any Privy, Ashpit, or Cesspool belonging thereto or used by the Occupiers thereof, doing as little Damage as possible; and if upon such Inspection the same be found satisfactory, the Corporation shall reinstate the Premises, and shall make Compensation for any Injury occasioned by the Exercise of such Powers; but, except in case of urgent Necessity, no such Entry and Inspection shall be made, save with the Consent of the Occupier or Person

Person in charge of the Premises, or with the Authority in Writing of a Justice, which Authority any Justice may give.

Power to provide for Collection, &c. of Night-soil.

72. For the Purpose of collecting and depositing Nightsoil, Dung, Ashes, and other Filth and Rubbish, the Corporation may provide Horses, Carts, Implements, and other Things, and may purchase or hire any Lands or Buildings, and may erect any new Buildings or alter any existing Buildings.

Power to appoint or contract with Scavengers.

73. The Corporation shall make Provision for the sweeping, cleansing, and watering of the Streets and Footways, and for the carrying and removing of Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil away therefrom and from Houses, and for emptying Privies, Cesspools, and Ashpits; and if any Contractor with the Corporation for the Purposes aforesaid, or any of them, or any Person employed by or acting under any Contract or Agreement with him, fails in any respect properly to perform the Stipulations of any such Contract with the Corporation, the Contractor with the Corporation shall be liable to a Penalty not exceeding Five Pounds; and each Instance of such Failure in respect of any or every Street, Footway, House, Privy, Cesspool, Ashpit, or Place shall be deemed a separate Offence.

Dirt, &c. collected by Scavengers vested in Corporation.

74. All Dirt, Dust, Dung, Nightsoil, Ashes, Rubbish, or Filth collected or removed by the Corporation shall be the Property of the Corporation, and may be sold or disposed of by them.

Penalties on other Persons than Scavengers emptying Privies, &c.

75. If any Person other than a Scavenger employed by or contracting with the Corporation empties any Privy, Cesspool, or Ashpit, or removes any Soil or Ashes therefrom, or from any Receptacle for Soil or Ashes communicating therewith, or from any Street, he and also any Person employing him for that Purpose shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Corporation for not causing Privies, &c. to be emptied.

76. If the Corporation do not within Seven Days after Notice in Writing from the Occupier of any House requiring them to empty any Privy, Cesspool, or Ashpit belonging to such House, or used by the Inmates or Occupiers thereof, cause the same to be emptied, the Corporation shall pay to the Occupier of the Premises any Sum not exceeding Ten Shillings for every Day during which such Default continues after the Expiration of the said Period of Seven Days.

Removal of Rubbish in Ashpits, &c.

77. If any Privy, Cesspool, or Ashpit is used for the Deposit of Refuse of Building or other Materials or Rubbish of a like Description, the Corporation may make a reasonable Charge upon the Occupier

Occupier of the Building to which such Privy, Cesspool, or Ashpit belongs for the Removal of the same.

Power to make Byelaws for Regulation of Scavengers, &c.

78. The Corporation may from Time to Time make Byelaws for all or any of the following Purposes; namely,

For regulating the cleansing and keeping clean of Privies, and the Times and Mode of Removal of the Contents of Privies, Cesspools, Ashpits, and Receptacles for Soil and Ashes:

For regulating the Conduct of the Scavengers, and for prescribing whether they shall wear any and what Badges, and for punishing Extortion, Imposition, Misconduct, or Misbehaviour in them.

Public Privies and Urinals.

79. The Corporation may provide, cleanse, and maintain such public Privies and Urinals in or near public Streets or Courts, or other public Places, as they deem expedient, and (by Agreement) in or near any private Buildings or Lands.

Urinals attached to Public Houses, &c.

80. The Corporation may order the Occupier of any Inn, Public House, Beer House, Eating House, Cook Shop, or other Place of public Entertainment, built before or after the Commencement of this Act, to provide and maintain upon or adjoining to his Premises Urinals to the Satisfaction of the Corporation, and if any Person fails in any respect to comply with the Provisions of the present Section he shall be liable to a Penalty not exceeding Five Shillings for every Day during which such Failure continues after the Expiration of Fourteen Days from the Service of such Order on him, and the Corporation may order the Owner and Occupier of any Building or Lands to remove any Urinal belonging thereto where it appears to them so situated or constructed as to be a Nuisance or offensive to public Decency or otherwise objectionable.

Power to deal with Nuisance on Premises partly within and partly without Borough.

81. If any Nuisance or Annoyance to the Inhabitants of the Borough arises or exists in or upon any Building or the Curtilage thereof situated partly within and partly without the Borough, the Corporation shall have, in respect of such Building and Curtilage, and the Owner and Occupier thereof, such and the like Powers as they would have had if the whole of such Building and Curtilage had been within the Borough.

Cleansing of Watercourses, &c. forming Boundaries of Borough.

82. In case any Watercourse, Brook, Ditch, Drain, Pool, Reservoir, or other Accumulation of Water is or forms Part of the Boundary Line between the Borough and any adjoining Township or Place, and in the Opinion of the Corporation requires to be drained, cleansed, scoured, deepened, widened, straightened, covered over, or otherwise improved, the Corporation and the Local Authority (mentioned in the Nuisances Removal Act for *England*, 1855, or any Act amending that Act,) of such Township or Place may enter into an

Agreement for the Execution of such Works, and for the Payment of the Expenses of and incident thereto; and if no Agreement is made the Corporation may summon such Local Authority to appear before any Two Justices for the County of *Lancaster* in Petty Sessions assembled, not being Members of the Council, to show Cause why an Order should not be made by such Justices for executing such permanent or other structural Works in relation to the Watercourse, Brook, Ditch, Drain, Pool, Reservoir, or Accumulation of Water as may appear to the Justices necessary; and such Justices, after hearing the Parties, or *ex parte* in case of the Default of any of them to appear, may make such Order with reference to the Execution of such Works, and may determine by whom the same shall be executed, and by whom and in what Proportion the Expenses of the Execution thereof (such Expenses to include Compensation to any Person for any Damage he may sustain in or by reason of the Execution of such Works) shall be paid, and also the Amount, Time, and Mode of Payment of such Expenses, and the same shall be paid accordingly, and in default of Payment such Sum may be levied upon the Goods and Chattels of such Local Authority by Distress and Sale thereof.

Restrictions on Use for Dwellings of underground Places.

83. For preventing the Use for Human Habitation of underground Places unfit for that Purpose the following Provisions shall take effect; namely,

(1.) It shall not be lawful for any Person to let or suffer to be occupied, or to occupy as a separate Dwelling, any Cellar, Vault, or underground Room not so let or occupied before the Commencement of this Act; and if any Person acts in any respect in contravention of the present Provision he shall be liable to a Penalty not exceeding Ten Pounds:

(2.) In case at any Time after the Commencement of this Act it appears to the Corporation that any Cellar, Vault, or underground Room occupied as a separate Dwelling, having been so occupied before the Commencement of this Act, is unfit for Human Habitation, regard being had to the Mode of its Construction and its Condition, or to the Supply or Want of sanitary or other Conveniences to be used therewith, the Corporation may, by Order served on the Owner and Occupier thereof, order that the Occupation thereof as a separate Dwelling be from the Expiration of One Month from the Service of such Order discontinued:

(3.) If any Owner appeals against any such Order the Occupation as a separate Dwelling of the Cellar, Vault, or underground Room to which the Order relates need not be discontinued until the Expiration of Fourteen Days after the Confirmation of the Order of the Corporation, unless such Appeal ceases to be prosecuted:

(4.) If

(4.) If any Person lets or knowingly suffers to be occupied, or occupies as a separate Dwelling, any Cellar, Vault, or underground Room after the Time when the Occupation thereof as a separate Dwelling ought to be discontinued according to the Provisions of this Act, he shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which the Offence continues; but any Owner shall not be liable to such Penalty in respect of any Time after he has given Notice to his Tenant to quit and deliver up possession of such Cellar, Vault, or underground Room, and has ceased to receive or claim any Rent for the Hire or Occupation thereof; and the Burden of proving such Notice, and that he has ceased to receive or claim any Rent as aforesaid, shall be on the Owner:

(5.) Upon the Application of the Corporation, and Proof of the Order for the Discontinuance of the Occupation as a separate Dwelling of any such Cellar, Vault, or underground Room, and Proof that no Appeal in relation thereto is pending, any Justice may order the Occupant of such Cellar, Vault, or underground Room to be removed, and any Constable may enter therein, and do or assist in doing all Matters and Things necessary for that Purpose, and in the event of Access thereto for that Purpose being refused any Justice may grant a Warrant for forcibly entering therein; and if any Person resists or wilfully obstructs any Constable in the Execution of his Duty under the present Section he shall be liable to a Penalty not exceeding Twenty Pounds.

Quantity of Air for Lodgers.

84. It shall not be lawful for any Person to suffer any Lodgers to use as a Sleeping Room any Room in any House belonging to or occupied by him, unless there are in such Room Four hundred Cubic Feet of Space at least for every Person at any Time using it as a Sleeping Room; and if any Person offends against this Enactment he shall be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty not exceeding Twenty Shillings for every Day in which such Offence continues.

V.—Smoke.

Penalties for Non-consumption of Smoke.

85. For the Prevention of Smoke the following Provisions shall take effect; namely,

(1.) If any Fireplace or Furnace employed after the Commencement of this Act in the working of Engines by Steam, or in any Building used for the Purpose of Trade or Manufacture, or Baths or Wash-houses, (although a Steam Engine is not used or employed therein,) is not so constructed as to consume or burn the Smoke arising from such Fireplace or Furnace,

Furnace, the Owner or Occupier of the Building or Lands in or on which such Fireplace or Furnace is situate shall be liable to a Penalty not exceeding Five Pounds:

(2.) If any such Owner or Occupier, or any Engineer, Fireman, Stoker, Foreman, or other Person employed by him, after the Commencement of this Act, uses any such Fireplace or Furnace not so constructed as aforesaid, or negligently uses any Fireplace or Furnace so constructed as aforesaid in such Manner that the Smoke arising therefrom is not effectually consumed or burnt, he shall be liable to a Penalty not exceeding Ten Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during any Part of which such Fireplace or Furnace is so continued to be used after One Month's Notice in Writing given by the Corporation to the Owner or Occupier to remedy or discontinue the same:

(3.) Where more Fireplaces or Furnaces than One communicate with a single Chimney, the Names of the several Owners and Occupiers of the Buildings or Lands on which they are situate, and the several Engineers, Firemen, Stokers, Foremen, or other Persons having the Control or Management thereof, may be included in One Summons, and the Justice before whom the Case is brought may in his Discretion apportion the Penalty as he sees fit, or impose a Penalty on One or more of those Persons in exclusion of the others:

(4.) If any such Owner or Occupier, or the Servant of either of them, refuses to allow such Building or Lands to be inspected by a Person authorized by the Corporation, then any Person so authorized may by Warrant under the Hand of a Justice (which Warrant any Justice is hereby authorized to grant) enter into and upon such Building or Lands, and examine any such Fireplace or Furnace:

(5.) The Words "consume or burn its own Smoke" shall nevertheless not be held in all Cases to mean consume or burn all its own Smoke, and the Justice before whom the Case is brought may abstain from imposing any Penalty if he is of opinion as to any such Engine or Furnace that it has been so constructed or altered as to consume or burn as far as possible all the Smoke arising therefrom, and that the same has been carefully attended to, and that the Smoke arising therefrom has been consumed or burned as far as practicable.

Penalty for burning Bricks, Rags, Bones, &c.

86. If any Person at any Time after the Commencement of this Act begins to burn Bricks or Tiles in any Place nearer than Thirty Yards to a then existing Dwelling House situate in or near any Street, or burns in any Place within Two hundred Yards of any Dwelling House

House situate in or near any Street any Cork, Rags, or Bones, or other offensive Substance for making Manure, Ivory or other Black, or Sal-ammoniac or other chemical Compound, or for any other Purpose of Trade, Manufacture, or Commerce, he shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which the Offence is continued after the Expiration of Fourteen Days from Service on him by the Corporation of Notice to discontinue the same.

VI.—Gas and Water.

And whereas under the Local and Personal Acts described in Column 1 of the First Schedule to this Act the Corporation are Proprietors of Gasworks and Waterworks, and are empowered to supply and are supplying the Borough and its Neighbourhood with Gas and Water: And whereas in consequence of the increasing Demand for Gas in the Borough and its Neighbourhood the Corporation require additional Gasworks: And whereas it is expedient that the Enactments in operation relative to the Gasworks and Waterworks of the Corporation and the Supply by them of Gas and Water be consolidated: Be it therefore further enacted as follows; (that is to say,)

Repeal of Acts as in First Schedule.

87. The Acts described in the First Schedule to this Act are hereby repealed, save as to such Parts thereof as are set forth in the Second Schedule to this Act.

Limits of this Act as to Supply of Gas and Water.

88. The Limits within which this Act shall be put in force, as well with respect to Gasworks and the Supply of Gas as with respect to Waterworks and the Supply of Water, shall be the several Townships of *Oldham*, *Royton*, *Chadderton*, and *Crompton*, in the Parish of *Prestwich-cum-Oldham*, the Township of *Failsworth* in the Parish of *Manchester*, and the Hamlets of *Lees* and *Alt Edge* in the Parish of *Ashton-under-Lyne*, all in the County Palatine of *Lancaster*, and the Township of *Quick*, otherwise *Saddleworth*, in the Parish or Chapelry of *Saddleworth* in the West Riding of the County of *York*, (except so much of the last-named Township as lies Eastward of a Line drawn across *High Moor* from the Eastern Extremity of the Township of *Oldham* to the *Star* Inn on the *Wakefield and Austerlands* Turnpike Road, thence southerly along the Turnpike Road to the Junction thereof at or near *Lydgate* with the Road leading from *Springhead* to *Shaw Hall*, and thence in a straight Line to the *Four Lane Ends* at *Thornley Lane*, and thence in a straight Line to the Eastern Extremity of the Hamlet of *Alt Edge*,) to which Limits with respect to Gasworks and the Supply of Gas the Expression "the Gas Limits of this Act" when hereafter used in this Act refers, and to which Limits with respect to Waterworks and the Supply of Water the Expression "the Water Limits of this Act" when hereafter used in this Act refers, and

and to which Limits with respect to both Gasworks and the Supply of Gas, and Waterworks and the Supply of Water, the Expression "the Gas and Water Limits of this Act" when hereafter used in this Act refers.

Power to construct additional Works and to make Gas.

89. The Corporation may continue their existing Gasworks, and from Time to Time enlarge the same, and construct and maintain other Gasworks, and Apparatus, Buildings, and Approaches thereto, and may make Gas for public and private Purposes within the Gas Limits of this Act, and do all such Acts as they think necessary for those Purposes.

Power to take Lands for Gas Purposes.

90. For the Purposes of Gasworks and Gas Supply the Corporation may enter on, take, and hold all or any Part of the Lands situate in the Townships of *Royton* and *Failsworth* respectively described in the deposited Plans and Book of Reference.

Power to erect Gasworks on specified Lands.

91. The Corporation may appropriate and use for the Purposes of this Act, as far as it relates to Gasworks and the Supply of Gas, all or any Part of the last-mentioned Lands, and of any Lands at the passing of this Act belonging to or held by them in the said Townships respectively, and on all or any Part of the Lands aforesaid may from Time to Time erect, construct, enlarge, and maintain Works for the Manufacture of Gas, and any Buildings, Approaches, and Conveniences necessary or proper for the Use of such Works.

Restriction on Use of Lands for Erection of Gasworks.

92. Nothing in this Act shall authorize the Corporation to erect Works for the Manufacture or storing of Gas on any Lands other than Lands on which at the Time of the passing of this Act they are authorized to erect Gasworks, and such Lands as are in the Third Schedule to this Act particularly described.

Power to use patented Inventions, &c.

93. The Corporation may take and hold any Licence or Authority under any Letters Patent to use any Invention relative to the Manufacture or Distribution of Gas, or the Utilization of the residual Products arising in the Manufacture of Gas, but nothing herein shall empower the Corporation to enter into any Contract that would have the Effect of securing to them any Right or Privilege in any respect of an exclusive Character.

Power to continue Waterworks.

94. The Corporation may continue, maintain, alter, and improve their existing Waterworks, and, subject to the Provisions of this Act, may from Time to Time make and maintain on Lands belonging to them, or authorized to be used by them for the Purposes of Waterworks, all necessary Pipe Tracks, Sluices, Embankments, Channels of Communi-

Communication, Bye-washes, Filtering Beds, Tanks, Culverts, Engines, Drains, Floodgates, and other Conveniences for the effectual Use and Maintenance of the Works by this Act authorized to be continued and maintained.

Power to take Lands on Piethorn and Coldgreave Streams.

95. The Corporation may enter on, take, and hold all or any Part of the Lands on the Banks of the *Piethorn* and *Coldgreave* Streams described in the deposited Plans and Books of Reference, and may use the same for the Purposes of this Act as far as it relates to Waterworks and the Supply of Water.

Gratuitous Supply of Gas and Water for public Purposes.

96. The Corporation may from Time to Time on such Terms and Conditions as they think fit supply Gas or Water gratuitously for any Purposes of public Advantage within the Gas and Water Limits of this Act, and may supply Gas gratuitously for lighting and Water for domestic and sanitary Purposes to any Hospitals and Infirmaries, public Baths and Wash-houses, within those Limits, maintained at the Expense of the Corporation, or out of the Rates for the Relief of the Poor wholly raised within those Limits.

Power to light Streets, &c. in Borough.

97. The Corporation may light with Gas the Streets and public Buildings within the Borough at such Times and in such Manner as they think fit, and may provide, set up, lay, and affix Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works and Conveniences in such Streets and against any public Building, and, with the Consent of the Occupier, against any private Building or Structure.

Power to agree for lighting of Streets, &c. beyond Borough.

98. The Corporation may from Time to Time contract with any local Board, Inspectors, Commissioners, Trustees, or other Persons having the Control of the Streets and Roads within the Gas Limits of this Act beyond the Borough for lighting the same, or any of them, with Gas, and for providing for that Purpose Lamps, Lamp Posts, Burners, Pipes, and other Apparatus, and for the Repairs thereof, in such Manner and on such Terms as may be agreed on, and for the Purposes aforesaid may in such Streets and Roads erect Lamp Posts and other Works and Conveniences.

Power to supply Gas for public and private Purposes.

99. The Corporation may supply and sell Gas for public and private Purposes within the Gas Limits of this Act, and may sell and dispose of the Coke and other residuary Products arising in the Manufacture of Gas by them.

Limit of Gas Rent.

100. The highest Gas Rent payable to the Corporation for Gas supplied by them shall be at the Rate of Four Shillings and Sixpence for One thousand Cubic Feet.

101. Subject

Corporation to supply Water.

101. Subject to the Provisions of this Act, the Corporation shall supply with Water the Inhabitants, Buildings, and Lands within the Water Limits of this Act.

Corporation to keep Supply of Water in Pipes.

102. The Corporation shall provide and keep in their Pipes a Supply of pure and wholesome Water sufficient for the domestic Use of all Inhabitants within the Water Limits of this Act entitled to demand a Supply, and willing to pay Water Rent.

Water need not be constantly laid on, &c.

103. The Water to be supplied by the Corporation need not be constantly laid on under Pressure, nor shall the Corporation be bound at any Time to lay on the Supply of Water at any Elevation at which the Water cannot be supplied by Gravitation from the Service Reservoir from which the Supply is taken.

Corporation to lay Pipes, &c. on Requisition.

104. The Corporation shall cause Pipes to be laid down and Water to be brought to every Part of the District within the Water Limits of this Act whereunto they shall be required by so many Owners or Occupiers of Houses in that Part of the District as that the aggregate Amount of Water Rent payable by them annually at the Rates specified in this Act shall not be less than One Tenth Part of the Expense of providing and laying down such Pipes; but any such Requisition shall not be binding on the Corporation unless such Owners or Occupiers severally execute an Agreement binding themselves to take such Supply of Water for Three successive Years at least.

Penalty for Neglect to lay Pipes.

105. If for Twenty-eight Days after Demand in Writing made to the Corporation, and Tender made of an Agreement signed by such Number of Owners or Occupiers as aforesaid to take and pay for a Supply of Water for Three Years or more, the Corporation refuse or neglect to lay down Pipes in the Manner herein-before directed, and to provide such Supply of Water as required by this Act, they shall forfeit to each of such Owners and Occupiers the Amount of Water Rent which he would be liable to pay under such Agreement, and also the further Sum of Forty Shillings for every Day during which they refuse or neglect to lay down such Pipes, or to provide such Supply of Water.

Water to be supplied for domestic Purposes on Requisition.

106. The Corporation shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street or Place in which any Pipe of the Corporation is laid, or of any Person who, under the Provisions of this Act, is entitled to demand a Supply of Water for domestic Purposes (and subject to the Provisions of this Act respecting Water Rent), furnish to such Owner, Occupier, or other Person a sufficient Supply of Water for his domestic Use.

107. The

Water Rent for Water for domestic Purposes.

107. The Water Rent payable to the Corporation for a Supply of Water for domestic Purposes shall be at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings on the Rackrent or annual Value of the House or Part of a House supplied, but they shall not be obliged to furnish such a Supply to any Owner, Occupier, or other Person for a less Water Rent than Six Shillings and Sixpence *per Annum*.

What to be deemed domestic Purposes.

108. A Supply of Water for domestic Purposes shall include a Supply for One Watercloset, but shall not include a Supply for Baths, or for Cattle, or for Horses, or for washing Carriages, where such Horses or Carriages are kept for Sale or Hire or by a Common Carrier, or a Supply for any Trade, Manufacture, or Business, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

Several Houses supplied with Water by One Pipe.

109. Where several Houses or Parts of Houses in the separate Occupation of several Persons are supplied by One common Pipe, the several Owners or Occupiers of such Houses or Parts of Houses shall be liable to the Payment of the same Rents for the Supply of Water as they would have been liable to if each of such several Houses or Parts of Houses had been supplied with Water from the Works of the Corporation by a separate Pipe.

Corporation to lay down Communication Pipes on Request of Occupier.

110. The Corporation shall, upon the Request of the Owner or Occupier of any Dwelling House in any Street in which their Pipes are laid, and upon Payment or Tender of the Proportion of Water Rent in respect of such House payable in advance, lay down Communication Pipes and other necessary Works for the Supply of such House with Water for domestic Purposes, and shall keep the same in repair, and thereupon the Occupier of such House shall be entitled to have a sufficient Supply of Water for his domestic Purposes from the Corporation, and the Corporation may charge for such Pipes and Works in addition to the Water Rent a reasonable annual Rent agreed upon (or in case of Dispute settled by Two Justices), which shall be chargeable on and recoverable from the Occupier, or in his Default from the Owner of such House, at the same Time and in the same Manner as Water Rents, and such Pipes and Works shall not be subject to Distress for Rent, or to be taken in Execution under any legal Proceeding against such Occupier or against such Owner, unless he becomes the Proprietor of the said Pipes and Works under the Provisions herein-after contained.

Penalty for Refusal to lay Communication Pipe.

111. If upon such Request and Tender or Payment as aforesaid the Corporation for Seven Days neglect or refuse to lay down such Communication Pipes or other Works they shall be liable to forfeit to the Person making such Request the Sum of Five Pounds, and a

further Sum of Forty Shillings for every Day during which such Refusal or Neglect continues after Seven Days from the making of the Request and Tender.

Power to removePipes and recover Expenses of Owners or Occupiers.

112. If the Occupier for the Time being of the House in which any such Communication Pipes or other Works are laid down by the Corporation refuses to pay for a Supply of Water, or if such House is unoccupied for Twelve Months, the Corporation may demand from the Owner thereof Payment of the Amount of the Principal Money invested by them in providing and laying down such Pipes and Works; and if such Owner after Ten Days Notice given to him by the Corporation neglects or refuses to pay such Principal Money the Corporation may enter the House and remove such Pipes and Works, and the Balance of such Principal Money, after deducting the Value of such Pipes and Works, with all Arrears of Rent for such Pipes and Works, shall in default of Payment be recovered, with the Costs incurred, from the Owner, or on his Default from the Occupier, as Water Rents are recoverable.

Owner to be at liberty to purchase the Pipes.

113. The Owner or reputed Owner of any House where any such Communication Pipes or other Works are laid down by the Corporation may at any Time pay off the Amount then due to the Corporation in respect of the Cost of providing and laying down the same, and all Rent to that Time due in respect thereof, and thereupon the same shall become the Property of such Owner, and all further Rent in respect thereof shall cease to accrue to the Corporation.

Service Pipes may be removed after Notice.

114. Any Person who becomes the Proprietor of any Pipe may remove the same after having first given Six Days Notice in Writing to the Corporation of his Intention so to do, and of the Time of such proposed Removal; and every such Person shall make Compensation to the Corporation for any Injury or Damage to their Pipes or Works caused by such Removal; and every Person who removes any such Pipe or other Works without giving such Notice as aforesaid shall forfeit to the Corporation a Sum not exceeding Five Pounds over and above the Damage done to the Pipes or Works.

Power to Inhabitants to break up Pavements, giving Notice of the same.

115. Any such Person may open or break up so much of the Pavement of any Street as lies between the Pipe of the Corporation and his House, Building, or Premises, and any Sewer or Drain therein, for the Purpose of effecting any such Removal as aforesaid, doing as little Damage as may be, and making Compensation for any Damage done in the Execution of any such Work; but every such Person desiring to break up the Pavement of any Street, or any Sewer or Drain therein, shall be subject to the same Necessity of giving previous Notice, and to the same Control, Restriction, and Obligations in and during

during the Time of breaking up the same, and to the same Obligation of reinstating the same, and to the same Penalties for any Delay in regard thereto, as the Corporation are subject to by virtue of this Act.

Supply for trading and manufacturing Purposes.

116. The Corporation may supply any Person with Water for trading or manufacturing Purposes, or for any Purposes other than domestic Purposes.

Water Rent for Water for other than domestic Purposes.

117. The Water Rent payable to the Corporation for a Supply of Water for other than domestic Purposes shall be such as may be from Time to Time agreed on between them and the Persons supplied.

Penalty for Non-supply for domestic Purposes.

118. If the Corporation fail to furnish to any Owner, Occupier, or Person entitled under this Act to receive a Supply of Water during any Part of the Time for which the Water Rent for such Supply is paid or tendered, they shall be liable to a Penalty not exceeding Ten Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which such Failure continues after Notice in Writing given to them thereof.

Want of Supply when excused.

119. The Corporation shall not in the Absence of special Agreement be liable to any Penalty under this Act or otherwise, or to any Damages, for not supplying Water as required by this Act, if the Want of such Supply arises from Frost, unusual Drought, or other unavoidable Cause or Accident.

Water Rent to be payable in advance.

120. Water Rent shall be paid in equal quarterly Payments in advance by the Person requiring, receiving, or using the Supply of Water, the First Payment to be made at the Time when the Pipe by which the Water is supplied is made to communicate with the Pipes of the Corporation, or at the Time when the Agreement to take Water from the Corporation is entered into; and if any Person becomes the Occupier of any Building or Land previously supplied with Water by the Corporation, he shall, if he does not require such Supply, forthwith give the Corporation Notice of the same; and if any such Person neglects within Three Days after commencing such Occupation to give such Notice, he shall be liable to pay the Water Rent for the Residue of the current Quarter.

Owners of Houses not exceeding Ten Pounds Rent to be liable to Water Rents.

121. The Owners of all Dwelling Houses or Parts of Dwelling Houses occupied as separate Tenements, the annual Value of which Houses or separate Tenements does not exceed Ten Pounds, shall be primarily liable to the Payment of the Water Rents (for which Purpose the Person receiving the Rents of any such House or Tenement as aforesaid from the Occupier thereof on his own Account, or as Agent or Receiver for any Person interested therein, shall be deemed

the

the Owner of such House or Tenement), and in default of Payment thereof by the Owner the Occupier shall be liable for the same as if the present Section had not been inserted in this Act.

Recovery of Gas and Water Rents of undisputed Amount.

122. All Gas Rents and Water Rents due to the Corporation, the Amount whereof is not disputed, may be levied by Distress, and any Justice, on Application, may without Summons issue his Warrant accordingly, or at the Option of the Corporation such Rents may be recovered as Borough Rates are recoverable under this Act.

Power to require Use of Meter for Gas.

123. Every Consumer of Gas may be required by the Corporation to consume Gas by Meter, and the Corporation may be required by every Consumer to supply the same by Meter, such Meter in every Case to be provided by the Corporation at the Expense of the Consumer, or to be approved of by the Corporation if provided by the Consumer.

Rent for Water may be ascertained by Meter.

124. The Corporation and any Person desirous of having a Supply of Water may agree that the Rent for such Supply shall be determined by the Quantity of Water consumed, to be ascertained by a Meter to be provided or approved by the Corporation, and may agree on the Amount of the Rent to be paid for such Supply.

Power to let Meters for Hire.

125. The Corporation may let for Hire any Meter or Instrument for measuring the Quantity of Gas or Water supplied and consumed, and any Pipes and Apparatus for the Conveyance, Reception, or Storage of the Gas or Water, for such Remuneration in Money as may be agreed upon between them and the Hirer, which shall be recoverable as Gas and Water Rent, and the Meters, Instruments, Pipes, and Apparatus shall not be subject to Distress for Rent of the Premises where the same are used, or be attached or taken in Execution under any legal Proceeding against or affecting the Consumer of the Gas or Water, or the Occupier of the Premises, or other the Person in whose Possession the Meters, Instruments, Pipes, and Apparatus may be.

Power to enter Houses to inspect, &c.

126. Any Person acting under the Authority of the Corporation may, between the Hours of Nine in the Forenoon and Four in the Afternoon, or at any other Time with the Authority in Writing of a Justice, enter into any Building or Lands to, through, or into which Gas or Water is supplied by the Corporation in order to examine if there is any Waste, Misuse, undue Consumption, or Contamination of such Gas or Water, and to inspect the Meters, Instruments, Pipes, and Apparatus connected with the Supply or Use of Gas or Water, and to ascertain the Quantity of Gas or Water consumed or supplied.

127. In

Power to cut off Supply on Failure in Payment of Gas or Water Rent, &c.

127. In the following Cases, (namely,)

(1.) If any Person supplied with Gas or Water by the Corporation fails to pay any Gas Rent or Water Rent due from him to the Corporation;

(2.) If any such Person wrongfully does, or causes or permits to be done, anything in contravention of the Provisions of this Act relating to the Supply of Gas or Water, or wrongfully fails to do anything which he ought to do for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Gas or Water of the Corporation;

(3.) If any Person acting under the Authority of the Corporation is refused Admittance into any Building or Lands for any of the Purposes of the Provisions of this Act relative to Gas or Water Supply, or is prevented from making any Inspection or Examination therein;

the following Provisions shall take effect; (that is to say,)

(1.) The Corporation may, notwithstanding any existing Contract with the Person supplied with Gas or Water, and without Prejudice to any other Remedy or Proceeding against him, cut off any Service or other Pipe used by him for the Supply to him of Gas or Water, or turn off or otherwise stop the Supply to him of Gas or Water (as the Case may be), and may cease to supply him with Gas or Water (as the Case may be) until he has paid the Gas Rent or Water Rent (as the Case may be) due from him, together with all Expenses incurred by the Corporation in or about the cutting off of any Pipe, or the turning off or otherwise stopping of any such Supply, or (as the Case may be) so long as his wrongful Act or Omission continues or is not remedied:

(2.) Any Officers and Workmen of the Corporation, after giving Twenty-four Hours previous Notice to the Occupier, or, if the Building is unoccupied, to the Owner, may enter into the Building or Lands supplied between the Hours of Nine in the Forenoon and Four in the Afternoon, or at any other Time with the Authority in Writing of a Justice, and remove and carry away any Meter, Instruments, Pipes, Apparatus, or other Works the Property of the Corporation, making Compensation to the Owner for any Damage sustained by him.

Penalty on Persons consuming Gas without Notice to the Corporation.

128. Every Person becoming the Occupier of any Building or Lands previously supplied with Gas by the Corporation for any former Occupier, or any other Person, who uses, consumes, or burns Gas supplied by the Corporation before he has given Notice in Writing to

to the Corporation of his Intention so to do, shall pay the Corporation, in addition to the Rent for Gas consumed by him, any Rent or Money owing to the Corporation in respect of such previous Supply, but (as to such last-mentioned Rent) only as from the last Examination of the Meter registering such previous Supply, the Amount of such Payment, Rent, or Money, in case of Dispute, to be ascertained by a Justice.

Penalty for injuring Meters.

129. If any Consumer of Gas of the Corporation fraudulently or by culpable Negligence injures or suffers to be injured any Meter or Fittings belonging to the Corporation under his Control, or alters the Index of any Meter, or otherwise fraudulently prevents any Meter from duly registering the Quantity of Gas used, or in any Manner fraudulently consumes or uses the Gas of the Corporation, he shall be liable to a Penalty not exceeding Five Pounds, without Prejudice to the Right of the Corporation to recover the Amount of any Damage by them sustained.

Penalty for fraudulently using Gas, &c.

130. Every Person who lays or causes to be laid any Pipe to communicate with any Gas Pipe belonging to the Corporation without their Consent, or fraudulently uses or fraudulently injures any such Meter as aforesaid, or who, in case the Gas supplied by the Corporation is not ascertained by Meter, uses any Burner other than such as has been provided or approved of by the Corporation, or of larger Dimensions than he has contracted to pay for, or keeps the Lights burning for a longer Time than he has contracted to pay for, or who otherwise improperly uses or burns such Gas, or supplies any other Person with any Part of the Gas supplied to him by the Corporation, shall forfeit to the Corporation the Sum of Five Pounds, and also the Sum of Forty Shillings for every Day such Pipe so remains, or such Works or Burner are so used, or such Excess is so committed or continued, or such Supply furnished.

Penalty and Damages for breaking Lamps, &c.

131. If any Person wilfully removes, destroys, or injures any Gas Pipe, Lamp Post, Pillar, Lamp Iron, Lamp Cover, or other Things connected with Gas Manufacture or Supply, the Property of or set up by the Corporation, or the Property of or set up by any Person under the Authority of this Act, or wilfully and wrongfully extinguishes the Light of any Gas Lamp the Property of or set up by the Corporation or any Person as aforesaid, or wilfully wastes Gas supplied by the Corporation, any Justice may, upon Oath made of the Commission of any such Offence, issue a Warrant for apprehending the Person accused, or any Person who sees any such Offence committed may apprehend and any other Person may assist in apprehending the Offender, and without any other Warrant than this Act may deliver him into the Custody of a Constable to be conveyed before some Justice, and the Person so offending shall be liable to a Penalty not exceeding

exceeding Five Pounds, and shall also make Satisfaction to the Corporation or Person aggrieved for the Damage done, the Amount thereof to be recoverable as a Penalty.

Satisfaction for accidentally damaging Pipes.

132. Every Person who carelessly or accidentally breaks, throws down, or damages any Pipe, Pillar, or Lamp belonging to the Corporation or under their Control shall pay such Sum of Money by way of Satisfaction to the Corporation for the Damage done not exceeding Five Pounds as Two Justices think reasonable.

Regulations for preventing Waste of Water.

133. For the Purpose of preventing the Waste, Misuse, or undue Consumption or Contamination of the Water of the Corporation, the Corporation from Time to Time may give Directions prescribing the Size, Nature, Strength, Materials, Mode of Arrangement, and Repair of the Pipes, Valves, Cocks, Cisterns, Waterclosets, and other Apparatus to be used, and interdicting any Arrangement and the Use of any Pipes, Valves, Cocks, Cisterns, Waterclosets, and other Apparatus which in their Judgment may tend to any such Waste, Misuse, undue Consumption, or Contamination, and they shall not be bound to supply any Water unless their Directions are followed, and any Dispute relative thereto shall be settled by Two Justices.

Penalty for Waste, &c. of Water by Non-repair of Pipes, &c.

134. If any Person supplied with Water by the Corporation wilfully or negligently causes or suffers any Pipe, Valve, Cock, Cistern, Bath, Soil-pan, Watercloset, or other Apparatus or Receptacle to be out of Repair, or to be so used or contrived as that the Water supplied to him by the Corporation is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the Return of foul Air or other noisome or impure Matter into any Pipe belonging to or connected with the Pipes of the Corporation, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Repair of Pipes, &c. by the Corporation.

135. The Corporation may, after Twenty-four Hours Notice, repair or alter any Pipe, Valve, Cock, Cistern, Watercloset, or other Apparatus of any Person supplied by them with Water, so as to prevent any Waste, Misuse, undue Consumption, or Contamination of Water, and the Expenses of the Repair or Alteration shall be repaid to them by the Person on whose Credit the Water is supplied thereto, and may be recovered by them in the Manner herein provided for the Recovery of Damages.

Penalty for Extension or Alteration of Pipes.

136. It shall not be lawful for the Owner or Occupier of any Building supplied with Water by the Corporation, or any Consumer of the Water of the Corporation, or any other Person, to affix or cause or permit to be affixed any Pipe or Apparatus to a Pipe belonging to the Corporation, or to a Communication or Service Pipe belonging to or used by such Owner, Occupier, Consumer, or other Person, or to make

make any Alteration in any such Communication or Service Pipe, or in any Apparatus connected therewith, without the Consent in every Case of the Corporation; and if any Person acts in any respect in contravention of the Provisions of the present Section he shall be liable to a Penalty not exceeding Five Pounds, without Prejudice to the Right of the Corporation to recover Damages from him in respect of any Injury done to their Property, and without Prejudice to their Right to recover from him the Value of any Water wasted, misused, or unduly consumed.

Penalty for Application of Water contrary to Agreement.

137. If any Person,—

First, not having from the Corporation a Supply of Water for other than domestic Purposes, uses for other than domestic Purposes any Water supplied to him by the Corporation; or,

Secondly, having from the Corporation a Supply of Water for any other than domestic Purposes, uses for any Purposes other than those for which he is entitled to use the same any Water supplied to him by the Corporation,

he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to the Right of the Corporation to recover from him the Value of the Water misused.

Penalty for allowing Persons to wrongfully Use the Water.

138. If any Owner or Occupier of any Building supplied with Water by the Corporation supplies to any other Person or wilfully permits him to take any such Water from any Cistern or Pipe in such Building unless for the Purpose of extinguishing Fire, or unless he is a Person supplied with Water by the Corporation, and the Pipes belonging to him are without his Default out of Repair, he shall be liable to a Penalty not exceeding Five Pounds, and the Existence of any Communication Pipe or other Apparatus suited for such Supply or Permission shall be *primâ facie* Evidence of such Supply or wilful Permission.

Penalty for Use of Water without Agreement.

139. If any Person not being supplied with Water by the Corporation wrongfully takes or uses any Water from any Reservoir, Watercourse, Conduit, or Pipe belonging to the Corporation, or from any Pipe leading to or from any such Reservoir, Watercourse, Conduit, or Pipe, or from any Cistern or other like Place containing Water belonging to the Corporation, or supplied by them for the Use of any Consumer of the Water of the Corporation, he shall be liable to a Penalty not exceeding Five Pounds, without Prejudice to the Right of the Corporation to recover from him the Value of the Water taken or used.

Penalty for destroying Valves, &c.

140. If any Person wilfully or carelessly breaks, injures, or opens any Lock, Cock, Valve, Pipe, Work, or Engine belonging to the Corporation, or flushes, turns, or draws off the Water from the Mains, Pipes,

Pipes, Reservoirs, or other Works of the Corporation, or does any other wrongful Act whereby such Water is wasted, he shall be liable to a Penalty not exceeding Five Pounds.

Penalties for causing Water to be fouled, &c.

141. If any Person does any of the following Things, (that is to say,)

Bathes in any Stream, Reservoir, Aqueduct, or other Waterworks belonging to the Corporation, or washes, throws, or causes to enter therein any Cattle, Dog, or other Animal;

Throws, places, or deposits any Rubbish, Dirt, Filth, or other noisome Thing into any such Stream, Reservoir, Aqueduct, or other Waterworks, or washes or cleanses therein any Cloth, Wool, Leather, or Skin of any Animal, or any Clothes or other Thing;

Causes the Water of any Sink, Sewer, or Drain, Steam Engine, Boiler, or other filthy Water belonging to him or under his Control, to run or be brought into any such Stream, Reservoir, Aqueduct, or other Waterworks, or does any other Act whereby the Water of the Corporation is or might be fouled;

he shall be liable to a Penalty not exceeding Five Pounds, and in case of the last-mentioned Offences, or any of them, to a further Penalty not exceeding Twenty Shillings for every Day (if more than One) on which that Offence is continued.

Penalty for permitting Substances produced in making Gas to flow into Water.

142. If the Corporation at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, or Waterworks, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or wilfully do any Act connected with the making or supplying of Gas whereby the Water in such Stream, Reservoir, Aqueduct, or Waterworks is fouled, they shall forfeit the Sum of Two hundred Pounds, to be recovered, with full Costs of Suit, in any of the Superior Courts by the Person into whose Water such Washing or other Substance is conveyed or flows, or whose Water is fouled by any such Act as aforesaid; but such Penalty shall not be recoverable unless sued for during the Continuance of the Offence, or within Six Months after it has ceased; and in addition to the said Penalty, and whether such Penalty has been recovered or not, the Corporation shall forfeit the Sum of Twenty Pounds, to be recovered in like Manner, for each Day during which such Washing or Substance is brought or flows as aforesaid, or during which the Act continues by which such Water is fouled, after the Expiration in either Case of Twenty-four Hours from the Time when Notice of the Offence has been served on the Corporation by the Person aggrieved.

Penalty if Water contaminated by Gas.

143. Whenever any Water within the Water Limits of this Act is fouled by the Gas of the Corporation they shall forfeit to the Person whose Water is fouled a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for each Day during which the Offence continues after the Expiration of Twenty-four Hours from the Service of Notice of such Offence.

Power to examine Gas Pipes to ascertain Cause of Water being fouled.

144. For the Purpose of ascertaining whether such Water is fouled by the Gas of the Corporation, the Person to whom the Water alleged to be fouled belongs may dig up the Ground and examine the Pipes, Conduits, and Works of the Corporation; provided that before proceeding so to dig and examine he shall give Twenty-four Hours Notice in Writing of the Time and Place at which such Digging and Examination are intended to be made to the Corporation, and to the Persons having the Control or Management of the Road, Pavement, or Place where such Digging is to be done; and such Person shall be subject to the like Obligation of reinstating the Road, Pavement, or Place, and the same Penalties for Delay or any Nonfeasance or Misfeasance therein as in this Act provided with respect to Roads and Pavements broken up by the Corporation for the Purpose of laying Pipes.

Expenses to abide the Result of Examination.

145. If upon such Examination it appear that such Water has been fouled by any Gas belonging to the Corporation, the Expenses of the Digging, Examination, and Repair of the Street or Place disturbed in any such Examination shall be paid by the Corporation, but if on such Examination it appears that the Water has not been fouled by the Gas of the Corporation then the Person causing such Examination shall pay all the Expenses of the Examination and Repair, and also make good to the Corporation any Injury thereby occasioned to their Works.

Daily Penalty during Escape of Gas after Notice.

146. Whenever Gas escapes from any Pipe laid down or set up by or belonging to the Corporation, they shall, immediately after receiving Notice thereof in Writing, prevent such Escape; and in case they do not, within Twenty-four Hours next after Service of such Notice, effectually prevent Gas from escaping, and wholly remove the Cause of Complaint, they shall forfeit the Sum of Five Pounds for each Day during which Gas is suffered to escape after the Expiration of Twenty-four Hours from the Service of such Notice.

Act not to prevent Corporation from being indicted for a Nuisance.

147. Nothing in this Act shall prevent the Corporation from being liable to an Indictment for Nuisance, or to any other legal Proceeding to which they may be liable, in consequence of their making or supplying Gas.

148. All

Quality of Gas.

148. All the Gas supplied by the Corporation shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, or other approved Burner and Chimney, a Light equal in Intensity to the Light produced by Fourteen Sperm Candles of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

Experimental Meter.

149. The Corporation shall, within Six Months next after the Commencement of this Act, cause to be erected in some convenient Part of their Works, and in such a Situation as to test the whole of the Gas supplied by them, an experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Experiments on illuminating Power.

150. Two Justices, on receiving a Requisition signed by Five or more Consumers of the Gas supplied by the Corporation to the aggregate Amount of Thirty Pounds within the Year immediately preceding complaining that such Gas is not in their Judgment and Belief of the full illuminating Power prescribed by this Act, may, if they think fit, by Order in Writing, appoint some competent Person, not being a Member or Officer or Servant of the Corporation, to proceed to the Works of the Corporation, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Corporation, may at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Corporation, and in the Presence of the Manager of the Gasworks, or other Officer of the Corporation, make Experiments of the illuminating Power of the Gas by means of the experimental Meter and other Apparatus above mentioned, and the Corporation and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment.

Penalty on Corporation if illuminating Power insufficient.

151. If it is proved to the Satisfaction of such Two Justices, after hearing the Parties, that the illuminating Power of the Gas supplied by the Corporation did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, and that no such Causes as aforesaid existed to prevent the same, or that the Corporation or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, then the Corporation shall forfeit such Sum, not exceeding Twenty Pounds, as the Justices determine.

Costs of Experiments.

152. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Costs of the Proceedings before the Justices, shall be ascertained by such

such Justices, and together with any Penalty which may be imposed on the Corporation shall be paid by the Corporation; but in the event of the Gas being found, when tested, to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid to the Corporation by the Person making such Requisition as aforesaid, and shall be paid and levied accordingly.

Power to break up Streets, &c.

153. The Corporation may, subject to the Provisions of this Act, open and break up the Soil and Pavement of the several Streets and Bridges within the Gas and Water Limits of this Act, and take up or remove any Sewers, Drains, Pipes, Tunnels, Works, or Obstructions within or under such Streets and Bridges, and lay down and place within the same Limits Pipes, Conduits, Service Pipes, and other Works, and also make any Sewers necessary for carrying off Washings and waste Liquids arising in the making of Gas, and from Time to Time repair, alter, or remove the same, and for the Purposes aforesaid remove and use all Earth and Materials in and under such Streets and Bridges, and do all other Acts which the Corporation from Time to Time deem necessary for supplying Gas and Water within the same Limits, doing as little Damage as may be in the Execution of the Powers hereby granted, and making Compensation for any Damage done in the Execution of such Powers.

Not to enter on private Land without Consent.

154. Nothing in the last foregoing Section shall empower the Corporation to lay down or place any Pipe, Conduit, Service Pipe, or other Work in any Lands not dedicated to public Use without the Consent of the Owners and Occupiers thereof, but the Corporation at any Time may enter upon and lay or place any new Pipe in the place of an existing Pipe in any Place where any Pipe has been then already lawfully laid down or placed, and may take up, remove, repair or alter any Pipe so laid down.

Power to place Pipes over or under Canals.

155. Notwithstanding anything in this Act, the Corporation may from Time to Time within the Gas and Water Limits of this Act place any Pipe for the Conveyance of Gas or Water over any Canal, leaving not less than the same Head Room for the Traffic on the Canal as the Head Room of the nearest Bridge, measured from the ordinary Level of the Water in the Canal, and placing the Pillars or Supports of any such Pipe the clear Width of the Canal and Towing-path, and in any such Case doing as little Damage as may be, and making Compensation for any Damage done, and may from Time to Time repair, alter, or remove any such Pipe, and for the Purposes of executing any of the Powers of the present Section may from Time to Time enter on any Lands of the Company or Persons Proprietors of the Canal, and for the Purpose of putting up and erecting any Pier, Pillar, or other Structure to support any such Pipe (but not otherwise)

otherwise) may from Time to Time break up the Soil or Surface of any such Lands, but all Works done by the Corporation by virtue of the Powers of the present Section shall be done under the Superintendence and to the reasonable Satisfaction of the Engineer of the Company or Persons Proprietors of the Canal affected; and in case of any Difference arising touching the Mode of executing any Works under the present Section, the same shall be determined by a Referee appointed by the Board of Trade on the Application of either Party.

Notice to Persons having Control, &c. before breaking up Streets or opening Drains.

156. Before the Corporation open or break up any Street or Bridge, or take up or remove any Sewer, Drain, Pipe, Tunnel, Work, or Obstruction, they shall give to the Persons under whose Control or Management the same may be (if any such Persons there be other than the Corporation), or to their Clerk, Surveyor, or other Officer, Notice in Writing of their Intention to open or break up, take up or remove the same, not less than Three clear Days before beginning such Work, except in Cases of Emergency arising from Defects in any of the Pipes or other Works, and then so soon as is possible after the beginning of the Work, or the Necessity for the same has arisen.

Streets, &c. not to be broken up except under Superintendence of Persons having Control.

157. No such Street, Bridge, Sewer, Drain, Pipe, Tunnel, Work, or Obstruction shall, except in the Cases of Emergency aforesaid, be opened or broken up, except under the Superintendence of the Persons having the Control or Management thereof (if any such there be other than the Corporation), or of their Officer, and according to a Plan approved of by such Persons or their Officer, or, in case of any Difference respecting such Plan, then according to such Plan as shall be determined by Two Justices; and such Justices may, on the Application of the Persons having the Control or Management of any such Sewer or Drain (if any as aforesaid), or their Officer, require the Corporation to make such temporary or other Works as they may think necessary for guarding against any Interruption of the Drainage during the Execution of any Works which interfere with any such Sewer or Drain: Provided always, that if the Persons having such Control or Management as aforesaid, and their Officer, fail to attend at the Time fixed for the opening of any such Street, Bridge, Sewer, Drain, or Tunnel, after having had such Notice of the Intention of the Corporation as aforesaid, or do not propose any Plan for breaking up or opening the same, or refuse or neglect to superintend the Operation, the Corporation may perform the Work specified in such Notice without the Superintendence of such Persons or their Officer.

Streets, &c. broken up to be reinstated without Delay.

158. When the Corporation open or break up the Road or Pavement of any Street or Bridge, or take up or remove any Sewer, Drain, Pipe, Tunnel, Work, or Obstruction, they shall with all convenient Speed

Speed complete the Work for which the same is opened or broken up, and fill in the Ground, and reinstate and make good the Road or Pavement, or the Sewer, Drain, Pipe, Tunnel, Work, or Obstruction, so opened or broken up, or taken up or removed, and carry away the Rubbish occasioned thereby, and shall at all Times, whilst any such Road or Pavement is so opened or broken up, cause the same to be fenced and guarded, and cause a Light sufficient for the Warning of Passengers to be set up and kept there every Night during which such Road or Pavement is continued open or broken up, and shall, after replacing and making good the Road or Pavement so broken up, keep the same in good Repair, but where any Persons other than the Corporation are liable to the Maintenance of the Road or Pavement, then only for Three Months thereafter, and such further Time, if any, not being more than Twelve Months in the whole, as the Soil so broken up continues to subside.

Penalty for Delay in reinstating Streets, &c.

159. If the Corporation open or break up any Street or Bridge, or take up or remove any Sewer, Drain, Pipe, Tunnel, Work, or Obstruction, without giving such Notice as aforesaid, or in a Manner different from that approved of or determined as aforesaid, or without making such temporary or other Works as aforesaid, when so required, except in the Cases in which the Corporation are authorized to perform such Works without any Superintendence or Notice, or if the Corporation make any unnecessary Delay in completing any such Work, or in filling in the Ground, or reinstating and making good the Road or Pavement, or the Sewer, Drain Pipe, Tunnel, Work, or Obstruction, so opened or broken up, or taken up or removed, or in carrying away the Rubbish occasioned thereby, or if they neglect to cause the Place where such Road or Pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the Road or Pavement in repair for such Time as aforesaid after the same is made good, they shall forfeit to the Persons having the Control or Management of the Street, Bridge, Pipe, Sewer, Drain, Tunnel, Work, or Obstruction in respect of which such Default is made (if any such there be other than the Corporation) a Sum not exceeding Five Pounds for every such Offence, and an additional Sum of Five Pounds for each Day during which any such Delay as aforesaid continues after they receive Notice thereof.

In case of Delay other Parties may reinstate and recover the Expenses.

160. If any such Delay or Omission as aforesaid takes place, the Persons having the Control or Management of the Street, Bridge, Sewer, Drain Pipe, Tunnel, Work, or Obstruction in respect of which such Delay or Omission takes place may cause the Work so delayed or omitted to be executed, and the Expense of executing the same shall be repaid to such Persons by the Corporation.

161. The

Incorporation of Parts of Waterworks Clauses Acts.

161. The following Provisions are hereby incorporated with this Act; namely,

(1.) The Provisions of the Waterworks Clauses Act, 1863, with respect to the Security of the Reservoirs constructed by the Undertakers:

(2.) The Provisions of the Waterworks Clauses Act, 1847, with respect to Mines.

Act not to exempt Corporation from Liability.

162. Nothing in this Act shall exempt the Corporation from Liability for any Injury or Damage occasioned by the Failure or Want of Repair of any of the Reservoirs, Embankments, Culverts, Weirs, Pipes, Conduits, or other Waterworks.

VII.—Parks, Town Hall, Telegraphs, Public Clocks.

And whereas the Corporation have, by means of a Loan obtained under the Public Works (Manufacturing Districts) Act, 1863, provided a Park or Place of public Recreation (herein-after referred to as "the Park"), and it is expedient that Provision be made for the Maintenance and Management thereof, and for authorizing the Corporation to provide, as Occasion may require, other Places of public Recreation, and for the Maintenance and Management thereof, and also respecting the Town Hall and other Establishments: Be it therefore further enacted as follows; (that is to say,)

Present Park to be maintained.

163. The Park (with its Appurtenances) shall remain vested in the Corporation, and shall always be held and maintained by the Corporation as a Place of public Resort and Recreation.

Power to purchase Lands for Extension or Formation of Parks, and to form Parks, &c.

164. The Corporation may from Time to Time purchase by Agreement any Land adjoining or near to the present Park for the Enlargement or Improvement thereof or of the Approaches thereto, or any Lands within the Borough or in the Neighbourhood thereof to be appropriated for the Purposes of Parks or Places of public Resort or Recreation, or the Enlargement or Improvement thereof or of the Approaches thereto, and for the Purposes of the present or any other such Park or Place construct, enlarge, maintain and repair, or take down such Buildings, Walls, and Fences as they think proper, and stop up and discontinue any Footpath, Road, or Way in, upon, through, or over any Lands forming Part of any such Park or Place within the Borough, and level, drain, sewer, pave, flag, gravel, lay out, plant, or otherwise improve every such Park or Place, and do such other Acts as appear necessary to the Corporation with a view to the proper Formation, Maintenance, Improvement, Use, and Enjoyment of every such Park or Place.

165. The

Power to make Byelaws for Regulation of Parks, &c.

165. The Corporation may from Time to Time make Byelaws for all or any of the following Purposes relating to the present Park, or any such other Park or Place of public Resort or Recreation as aforesaid; that is to say,

For appointing and regulating Keepers or Servants employed therein:

For regulating the Days on and Hours at which the Park or Place is to be opened and closed:

For regulating the Conduct of Persons frequenting the Park or Place:

For regulating the Days on and Hours at which Games and Gymnastics are to be permitted therein:

For regulating the Days on and Hours at which Bands of Music or Music of any Sort are or is to be permitted therein:

For regulating Refreshment Rooms therein, and for determining the Days on and Hours at which they are to be opened and closed, and the Nature and Price of the Articles and Things to be sold therein:

For preventing or regulating the Admission therein of Dogs:

For preventing Males from intruding on or using Playgrounds or other Places therein set apart for the Use of Females, and *vice versâ*:

For preventing or regulating the Admission therein of Vehicles and Horses:

For protecting from Injury Buildings, Terraces, Fountains, Bridges, Walks, Seats, Fences, and other Parts of or Things belonging to the Park or Place, and for preventing the Destruction or Injury of aquatic or other Birds, or of other Animals, or of Trees, Shrubs, Plants, or Flowers, or the plucking of Flowers or Leaves therein:

For enabling the Servants of the Corporation to exclude therefrom Persons not being clean, or not being dressed in clean and decent Clothes, and to remove therefrom Persons guilty of a Breach of any Byelaw relative thereto, or of any Public Law.

Exemption of Parks from local Taxation.

166. Every such Park or Place and all Buildings thereon, and every Part thereof respectively, and the Corporation and all Persons with respect to the same, shall be wholly exempt from all municipal, parochial, and other local Rates, Assessments, and Impositions whatsoever.

Maintenance, &c. of Town Hall.

167. The Corporation may continue and maintain the Town Hall and Offices of the Corporation, and may from Time to Time enlarge and improve the same, and furnish and fit up the same with all proper Furniture and Conveniences.

168. The

Power to establish Telegraphs.

168. The Corporation may from Time to Time establish and maintain such Telegraphs as they think expedient or necessary for the better Execution of any of the Powers or Authorities for the Time being vested in them under the Municipal Corporation Acts or this Act, and in relation to any such Telegraphs for the Purposes of the Telegraph Act, 1863, the Corporation shall be in the like Position in all respects as a Company authorized by Special Act of Parliament to construct and maintain Telegraphs, but so that it shall not be requisite for the Corporation to give any Notice respecting the opening for the Purposes of Telegraphs of any Street or Court under their own Management.

Power to provide public Clocks.

169. The Corporation may from Time to Time provide, place, and light such Clocks as they consider expedient in, upon, or against any public Building, or, with the Consent of the Owner and Occupier, in, upon, or against any private Building.

VIII.—Markets and Fairs and Slaughter-houses.

And whereas it is expedient that the Corporation be empowered to provide Market Places and Market Houses and Places for holding Fairs, and to establish and hold Marketsand Fairs, as the Wants of the Borough may from Time to Time require: And whereas there is a Joint Stock Company called "the *Oldham* New Market Company," possessed of Buildings and Property used for Market Purposes in the Borough, and it is expedient that the Corporation be empowered to acquire such Buildings and Property and adjoining Lands, and the Right or Claim of that Company to hold a Market in the Borough: Be it therefore further enacted as follows; (that is to say,)

Power to establish Markets and Fairs and Slaughter-houses.

170. With respect to Markets and Fairs and the providing of Slaughter-houses within the Borough, the Corporation shall have the following Powers and Duties; (namely,)

(1.) They may from Time to Time provide proper Market Places and Market Houses for the Sale of marketable Commodities and Animals, and Places for Fairs, with proper Approaches, Works, and Conveniences:

(2.) They may establish and hold Markets and Fairs:

(3.) They shall provide and keep sufficient and proper Weighing Houses or Places, Weights and Measures, Scales and Machines, for weighing or measuring Commodities and weighing Carts in the Markets or Fairs, and shall appoint and keep proper Persons to attend to such weighing or measuring during the holding of the Markets or Fairs:

(4.) They may from Time to Time provide proper Slaughter-houses, with all necessary Fittings and Conveniences:

(5.) They may demand and receive Tolls, Stallages, and Rents (not exceeding the Tolls, Stallages, and Rents specified in the Sixth Schedule to this Act) from Persons selling, offering, or exposing for Sale Commodities or Cattle in the Markets or Fairs, or using the Buildings or Conveniences in the Markets or Fairs, or frequenting the Fairs, or using the Weighing House or Places, Weights, Measures, Scales, or Machines in the Markets or Fairs, or using the Slaughter-houses:

(6.) They may alter or discontinue any Market or Fair, and enlarge, improve, alter, or remove any Market Place or Market House, or any Place for Fairs, or any Approach, Work, or Convenience, or any Weighing House or Place, or any Slaughter-house:

(7.) For the Purposes aforesaid they may from Time to Time purchase by Agreement or take at a Rent any Lands, or appropriate any Lands for the Time being belonging to them or under their Control.

Power to purchase Interest of Oldham New Market Company.

171. The Corporation may purchase all the Estate and Interest of the *Oldham* New Market Company in the Lands, Buildings, Works, Conveniences, Chattels, and Effects at the passing of this Act held or possessed by that Company for Market Purposes within the Borough, and the Right or Claim of that Company to hold a Market within the Borough, and until such Purchase is completed nothing in this Act shall affect the Company or the Persons using their Market, or authorize the Corporation to establish any Market in the Borough.

Power to make Byelaws for Regulation of Markets, Tolls, &c.

172. The Corporation may from Time to Time make Byelaws for all or any of the following Purposes; namely,

For appointing the Days on which and the Hours during which any Market or Fair is to be held, or the Time during which any particular Kind of Commodity or Cattle may be sold or exposed or offered for Sale in any Market or Fair, and for the Removal of any Commodity or Cattle from any Market or Fair after Sale or at the Close of the Market or Fair:

For regulating the Use of the Market Places, Market Houses, and Places for Fairs, and the Buildings, Conveniences, and Works connected therewith, and the Weighing Houses or Places, and the Slaughter-houses, and for preventing Nuisances and Obstructions therein or in the Approaches thereto:

For fixing the Amount of the Tolls, Stallages, and Rents which the Corporation will demand and receive in respect of Markets and Fairs, Weighing Houses and Places, and Slaughter-houses, and for regulating the Time when the same respectively shall become due and payable, and the Collection thereof.

173. If

Settlement of Disputes as to Tolls.

178. If any Dispute arises concerning any Toll, Stallage, or Rent, or the Charges of keeping or selling any Distress, such Dispute shall be determined by a Justice, who, on Application made to him, shall determine the same, and make such Order therein, and award such Costs to either Party, as he thinks proper, and in default of Payment on Demand of the Money so awarded, and of the Costs, the same shall be levied by Distress.

Articles to be weighed if requested by Buyer.

179. Every Person selling or exposing or offering for Sale by Weight or Measure any Article in any Market or Fair shall, if required so to do by the Buyer, cause the same to be weighed or measured at One of the Weighing Houses or Places of the Corporation, and if any Person refuses on Demand to comply with such Requisition he shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for Refusal to weigh, &c.

180. If any Person appointed by the Corporation to weigh or measure any Articles sold in any Market or Fair refuses or neglects to weigh or measure any Article when required he shall be liable to a Penalty not exceeding Forty Shillings.

Carts to be weighed at One of the Machines erected by the Corporation.

181. The Driver of any Cart laden with any Goods brought within the Borough for Sale or Delivery therein shall, at the Request of the Buyer of such Goods, or his Agent, or of the Seller thereof, or his Agent, take such Cart, with or without the Loading thereof, to the nearest Weighing Machine for Carts provided by the Corporation, and shall permit the same to be weighed, and if such Cart is weighed with its Load the Driver shall, if required, take it after its Load has been discharged to the Weighing Machine for Carts provided by the Corporation nearest to the Place of Discharge, and permit it to be re-weighed without its Load; and if any Driver is for the Purposes aforesaid required to take a Cart a greater Distance than Half a Mile, including the going to and returning from such Machine respectively, the Owner of the Cart shall be paid for every Horse used in drawing it Twopence for the First Half Mile, and a like Sum for every additional Half Mile, and such Payment shall be made by the Person requiring the Cart to be weighed before the Driver shall be obliged to take it to be weighed.

Penalty on Drivers for refusing to take Carts to be weighed, &c.

182. If the Driver of any such Cart, on being requested and having such Payment made or tendered as aforesaid, does not take the Cart to be weighed as herein-before directed, or refuses to assist in the weighing thereof, he shall for each Offence be liable to a Penalty not exceeding Twenty Shillings.

Penalties on Drivers committing

183. If any Driver of any Cart weighed at any Weighing Machine provided by the Corporation under this Act commits any of the following

Prohibition of Sale except in Markets, &c.

173. If any Person sells or exposes for Sale, except in his own Dwelling House or Shop, or in the Dwelling House or Shop of the Buyer or intended Buyer, any Commodity or Cattle in respect of which the Corporation are entitled to take any Toll, Stallage, or Rent in any Market or Fair, he shall be liable to a Penalty not exceeding Forty Shillings: Provided always, as follows; (namely,)

(1.) The Corporation may permit any such Commodity or Cattle to be sold on any Market, Fair, or other Day elsewhere than within any Market Place or Market House or Place for Fairs, on Payment of the Toll, Stallage, or Rent to which the Corporation are entitled:

(2.) Nothing in the present Section shall interfere with the lawful Exercise by licensed Hawkers or licensed Horse Dealers of their respective Callings.

Power to let Stalls, &c.

174. The Corporation may from Time to Time let to any Person any Stall, Standing, or other Convenience in any Market or Fair for any Time not exceeding Three Years at such Rent and on such Terms as they think reasonable.

Power to let Tolls of Markets, &c.

175. The Corporation may from Time to Time demise for any Term not exceeding Seven Years the whole or any Part of the Tolls, Stallages, and Rents receivable in respect of the Markets and Fairs, Weighing Houses or Places, and Slaughter-houses, or any of them.

Penalty for taking excessive Toll.

176. If any Person demands or receives a Toll, Stallage, or Rent higher than that authorized he shall be liable to a Penalty not exceeding Forty Shillings.

Recovery of Tolls.

177. If any Person liable to the Payment of any Toll, Stallage, or Rent payable to the Corporation does not pay the same when demanded, the Corporation or their Lessee, or any Person authorized by the Corporation or their Lessee to collect the same, may seize and detain the Commodity or Cattle in respect of which the same is payable, or any other Commodity or Cattle belonging to the Person liable to pay the same or under his Charge; and if the Toll, Stallage, or Rent, and the reasonable Charges of the Seizure and Detention, and of the keeping and maintaining of the Commodity or Animal seized is not paid within Four Days from the Time of Seizure, the Corporation or their Lessee may sell the Commodity or Cattle seized, and out of the Money arising thereby may pay and retain the Toll, Stallage, or Rent, and the Charges aforesaid and those of the Sale, returning the Overplus (if any) to the Owner of the Commodity or Cattle seized, or such Toll, Stallage, or Rent may be recovered in any Court of competent Jurisdiction.

178. If

following Offences he shall be liable to a Penalty not exceeding Five Pounds; (that is to say,) Frauds in weighing

If he at the Time of the weighing knowingly has anything in or about the Cart other than the proper Loading thereof:

If he alters any Ticket denoting the Weight of the Cart or its Loading:

If he makes or uses or is privy to the making or using of any Ticket falsely stating the Weight of the Cart or of its Loading:

If he, after the weighing of the Cart with its Loading, removes any Part of the Loading, and afterwards disposes of or attempts to dispose of or represents the Residue of such Loading as being the full Loading denoted by any such Ticket:

If he, between the Time when the Cart and the Loading thereof have been so weighed and the Time when the Cart is weighed without its Loading, changes the Wheels of the Cart, or makes any other Change upon it, after being required to allow it to be weighed without its Loading:

If he is guilty of any other fraudulent Contrivance to misrepresent the Weight of any such Cart or of the Loading thereof.

184. If the Buyer or Seller of any Goods in any Cart required to be weighed as aforesaid does anything to such Cart or its Loading whereby the true Weight thereof respectively is altered before such Weighing he shall be liable to a Penalty not exceeding Five Pounds. Penalty on Buyers or Sellers for committing Frauds in weighing.

185. The Person for the Time being appointed to keep any Weighing Machine for Carts provided under this Act shall be liable to a Penalty not exceeding Five Pounds in each of the following Cases; (that is to say,) Penalties for Frauds committed by the Machine Keeper.

If he wilfully neglects, on Application, duly to weigh any Cart, with or without its Loading, as the Case may be, that is brought to the Machine kept by him to be weighed:

If he does not fairly weigh every such Cart, with or without Loading, as the Case may be:

If he does not deliver to the Buyer or Seller of any such Loading, or to any Person interested therein, on Application, a Ticket or Account specifying the true Weight of such Cart, with or without such Loading, as may be required:

If he gives to any Person a false Ticket or Account of the Weight of such Cart, with or without the Loading thereof:

If he commits any Fraud concerning the weighing of any Cart or the Loading thereof, or makes any false Representation of the Weight of the same respectively.

Penalty on other Parties committing Frauds as to weighing.

186. If any Person commits any Fraud respecting the weighing or Weight of any Cart or the Loading thereof he shall be liable to a Penalty not exceeding Five Pounds.

Power to license Slaughter-houses.

187. With respect to the licensing of Slaughter-houses, the following Provision shall take effect; (namely,)

(1.) The Corporation may from Time to Time grant Licences for the Use of Buildings as Slaughter-houses, and they may demand a Sum not exceeding Five Shillings for any such Licence for Twelve Months, and in the like Proportion for any shorter Period:

(2.) They may by Order revoke or suspend the Licence for any Slaughter-house when in their Opinion the same is a Nuisance:

(3.) In case of any such Revocation or Suspension, the Corporation shall give Notice thereof to the Owner or Occupier of such Slaughter-house:

(4.) If such Owner or Occupier appeals unnecessarily against the Order, the Court of Quarter Sessions may impose on him a Penalty not exceeding Five Pounds:

(5.) He shall not be obliged to discontinue the Use of the Slaughter-house pending an Appeal:

(6.) If any Person slaughters or dresses for Sale any Animal in any Slaughter-house the Licence for which is suspended or revoked he shall be liable to a Penalty not exceeding Five Pounds:

(7.) If any licensed Slaughter-house is not used as such for the Space of Three Months the Licence thereof shall be deemed to have lapsed:

(8.) The Corporation may from Time to Time make Byelaws for the Inspection of licensed Slaughter-houses and the Prevention of Cruelty therein, and for the cleansing thereof, and for the supplying thereof with Water.

Slaughtering prohibited, except in Slaughter-houses provided or licensed by Corporation.

188. It shall not be lawful for any Person to slaughter for Sale any Animal, or to dress for Sale the Carcase of any Animal, in any Place within the Borough other than a Slaughter-house provided or licensed by the Corporation, and if any Person acts in any respect in contravention of the present Enactment he shall be liable to a Penalty not exceeding Five Pounds.

IX.—Baths, Wash-houses, and Bathing Places.

And whereas the Corporation have adopted and applied to the Borough the Public General Acts relating to Baths and Wash-houses and Bathing Places, and have thereunder established Baths and Bathing Places: And whereas it is expedient that the Corporation be empowered to maintain the existing Baths and Bathing Places, and to

to provide others, and Wash-houses, as the Wants of the Borough may from Time to Time require: Be it therefore further enacted as follows; (that is to say,)

Power to provide Baths, &c.

189. With respect to the Maintenance and Provision of public Baths, Wash-houses, and Bathing Places, the Corporation shall have the following Powers; namely,

(1.) They may continue and maintain the existing Baths, Wash-houses, and Bathing Places, and may from Time to Time enlarge the same, and provide and maintain additional Buildings suitable for such Baths or Wash-houses, with or without open Drying Grounds, and make any open Bathing Places, and convert any Buildings into such Baths and Wash-houses, and alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Fittings, Furniture, and Conveniences:

(2.) They may (if they think fit) from Time to Time purchase by Agreement or take a Lease of any Baths and Wash-houses before or after the Commencement of this Act established otherwise than by the Corporation, and appropriate the same to the Purposes of the present Section, with such Additions or Alterations as they deem expedient; and the Trustees of any Baths and Wash-houses established or provided by private Subscriptions or otherwise may, with the Consent of the Majority of the Committee or other Persons by whom they were appointed Trustees, sell or lease such last-mentioned Baths and Wash-houses to the Corporation, or make over to them the Management thereof, on such Terms as may be agreed on.

Power to make Bye-laws for Regulation of Baths, &c.

190. The Corporation may from Time to Time, with respect to public Baths, Wash-houses, and Bathing Places provided by them or under their Management, make Byelaws for all or any of the following Purposes; namely,

For securing that the Baths and Wash-houses and Bathing Places be under the due Control of the Officers and Servants of the Corporation, and for determining their Duties:

For securing adequate Privacy to Persons using the Baths, Wash-houses, and Bathing Places, and providing Security against Accidents to Persons using the Bathing Places:

For securing that Men and Boys above Eight Years old bathe separately from Women and Girls and Children Eight Years old or under:

For preventing Damage, Disturbance, Interruption, and indecent and offensive Language and Behaviour, and Nuisances:

For determining the Charges for the Use of the Baths, Wash-houses, and Bathing Places.

191. The

Recovery of Charges at Wash-houses.

191. The Officers and Servants of the Corporation may detain Clothes brought to be washed or other Goods of any Person refusing to pay any Charge to which such Person is liable for the Use of the Wash-houses of the Corporation till full Payment thereof is made, and in case such Payment is not made within Seven Days after the same becomes due may sell such Clothes or Goods, or any of them, returning the surplus Proceeds of such Sale (after deducting the unpaid Charge and the Expenses of Detention and Sale) and any unsold Articles, on Demand, to the Owner or the Person by whom the same were brought to be washed.

Power to discontinue Baths, &c. and sell Buildings, &c.

192. Whenever any Baths or Wash-houses or Bathing Places established by the Corporation, having been carried on for Seven Years or upwards, are determined by the Council to be unnecessary or too expensive to be kept up, the Corporation may discontinue the same or any Part thereof, and sell or dispose of the same or any Part thereof.

X.—Libraries, Museums, Schools of Science and Art.

Power to establish Public Libraries, &c.

193. The Corporation from Time to Time may appropriate any Lands vested in them, or by Agreement purchase or take at a Rent any Lands or any suitable Buildings, and upon any Lands so appropriated, purchased, or taken erect any Buildings suitable for Public Libraries or Museums, or both, or Public Schools for Science and Art, or either of them, and apply, take down, alter, and extend any Buildings for such Purposes, and rebuild, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite Fittings, Furniture, and Conveniences.

Management of Libraries, &c.

194. The general Management, Regulation, and Control of such Libraries, and Museums, and Schools for Science and Art, shall be vested in and exercised by the Council, or such Committee as the Council think fit from Time to Time to appoint (the Members or some of the Members whereof need not, if the Council so think fit, be Members of the Council), who may from Time to Time purchase and provide the necessary Fuel, Lighting, and other similar Matters, Books, Newspapers, Maps, and Specimens of Science and Art for the Use of the Library or Museum or School, and cause the same to be bound or repaired when necessary, and appoint salaried Officers and Servants, and dismiss the same, and make Rules and Regulations for the Safety and Use of the Libraries and Museums and Schools, and for the Admission of the Public.

Libraries, &c. to vest in Corporation.

195. The Lands and Buildings so appropriated, purchased, or taken, and any other Real or Personal Property whatsoever presented to

to or purchased for any such Library and Museum or School, shall be vested in the Corporation.

XI.—Burials.

Corporation to be Burial Board in lieu of existing Board.

196. From and after the Commencement of this Act the existing Burial Board for the Borough shall cease to be such, and thereupon and thenceforth all the Powers, Duties, Rights, Obligations, Liabilities, and Property vested in, imposed on, affecting, and belonging to such Burial Board shall be transferred to, and shall be vested in and imposed on, and shall affect and belong to, the Corporation, and the Council shall be the Burial Board for the Borough in like Manner as nearly as may be as if the Council had originally become such Burial Board under the Provisions of the Act of the Session of the Seventeenth and Eighteenth Years of Her Majesty (Chapter Eighty-seven), "to make "further Provisions for the Burial of the Dead in *England* beyond the "Limits of the Metropolis;" and all Mortgages granted before the Commencement of this Act by the existing Burial Board shall from and after the Commencement of this Act be charged on the Borough Fund, and shall have Priority over any Mortgage granted under this Act, and (subject to the Provisions of this Act) the Council shall carry into execution the Provisions of the last-mentioned Act and of all other Acts for the Time being in force relative to the Powers and Duties of Burial Boards, and applicable to the Borough.

XII.—Police.

Power to continue Police Court, &c.

197. The Corporation may continue and maintain the Police Court, and all Offices and Stations, and may from Time to Time enlarge the same, and provide and maintain additional Courts, Stations, and Watch-houses, Lock-up Houses, and other Places necessary for Police Purposes, and furnish and fit up the same.

Constables not to resign without Leave or Notice.

198. A Constable shall not be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed to do so in Writing by the Watch Committee, certified under the Hand of the Chief Constable, or unless he gives to the Chief Constable One Month's previous Notice in Writing of his Intention; and if any Constable so resigns or withdraws himself without such Leave or Notice he shall be liable to forfeit all Arrears of Pay then due to him, or to pay a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice before whom he is convicted, to be imprisoned for any Term not exceeding Fourteen Days.

Penalty on Constable for Neglect of Duty.

199. If any Constable is guilty of any Neglect or Violation of Duty in his Office he shall be liable to a Penalty not exceeding Ten Pounds,

Pounds, or, in the Discretion of the Justice before whom he is convicted, to be imprisoned for any Term not exceeding One Month, with or without Hard Labour.

Power to Chief Constable to suspend Constables.

200. The Chief Constable may, subject to the Approval of the Watch Committee, suspend any Constable from the Exercise of his Office for such Time as the Chief Constable thinks fit for Breach of Discipline or Neglect or Violation of Duty, or grave Misconduct, and if any Constable while suspended by the Chief Constable exercises in any Manner the Office of Constable he shall be liable to a Penalty not exceeding Five Pounds.

Constables suspended or dismissed to deliver up Accoutrements.

201. If any Constable is suspended by the Chief Constable, and does not, if required, deliver over to the Chief Constable all or any Part of the Clothing, Accoutrements, or Appointments supplied to him for the Execution of his Duty, or if any Constable is dismissed from or ceases to hold and exercise his Office, and does not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries supplied to him for the Execution of his Duty to the Chief Constable, or to the Person and at the Time and Place directed by the Watch Committee, he shall be liable to Imprisonment with or without Hard Labour for any Term not exceeding One Month; and any Justice may issue his Warrant to search for and seize to the Use of the Corporation all Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever found.

Power to deduct Penalties on Constables from Salaries.

202. Where any Penalty is recovered under this Act against any Constable or any Person who has held the Office of Constable in respect of any Act or Omission of such Person while holding such Office, the Amount of the Penalty may be deducted from any Salary due or to become due to him as Constable.

Penalty for unlawful Possession of Accoutrements, Assumption of Character of Constable, &c.

203. If any Person, not being a Constable of the Borough, has in his Possession any Article being Part of the Clothing, Accoutrements, Appointments, or Necessaries supplied to any such Constable, and does not satisfactorily account for his Possession thereof, or puts on the Dress or takes the Name or Designation or otherwise assumes the Character of a Person appointed as such Constable for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or causing to be done any Act which he would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, he shall, in addition to any other Punishment to which he is liable for such an Offence, be liable to a Penalty not exceeding Ten Pounds.

204. Any

Power to Police Constables and Persons aggrieved to apprehend certain Offenders.

204. Any Person found committing any Offence punishable either upon Indictment or upon summary Conviction under this Act, or otherwise, may by virtue of this Act be taken into Custody without a Warrant by any Constable, or may be apprehended by the Owner of the Property on or with respect to which the Offence is committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Constable, and shall be taken as soon as conveniently may be before a Justice to be examined and dealt with according to Law; and every Constable may stop, search, and detain any Person reasonably suspected of knowingly having or conveying anything stolen or unlawfully obtained.

Limitation of Detention.

205. It shall not be lawful for any Constable or other Officer, without the Order of a Justice, to detain in Custody any Person arrested under the Powers of this Act longer than is necessary for bringing him before a Justice, or longer than Forty-eight Hours at the utmost.

Penalties on Persons assaulting Constables.

206. If any Person assaults, obstructs, or resists, or aids or incites any Person to assault, obstruct, or resist, any Constable in the Execution of his Duty, he shall be liable to a Penalty not exceeding Ten Pounds, or, in the Discretion of the Justice before whom he is convicted, to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour.

Penalty for riotous or indecent Behaviour in Police Office, &c.

207. If any Person is guilty of any violent, disorderly, or indecent Behaviour in any Police Office or Police Station he shall be liable to a Penalty not exceeding Forty Shillings, or, in the Discretion of the Justice before whom he is convicted, to be imprisoned for any Term not exceeding Seven Days.

XIII.—Police Regulations, &c.

Penalty on Persons committing any of Offences enumerated.

208. Every Person who in any Street or Court, or elsewhere than in a Street or Court, in the Cases in that Behalf in this Section specified, commits any of the following Offences, shall be liable to a Penalty not exceeding Forty Shillings, or, in the Discretion of the Justice before whom he is convicted, to Imprisonment for any Term not exceeding Fourteen Days; (that is to say,)

Every Person who, to the Obstruction, Annoyance, or Danger of any Resident or Passenger in any Street or Court, exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal, or exhibits in a Caravan or otherwise any Show or public

public Entertainment, or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident), or cleans, dresses, exercises, trains or breaks, or turns loose any Horse or Animal, or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary):

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

Every Person who, after public Notice given by the Mayor directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice (which Dogs so at large the Corporation are hereby authorized to destroy):

Every Person who slaughters any Cattle or dresses any Cattle or any Part thereof, except in the Case of any Cattle overdriven or having met with any Accident which for the public Safety or other reasonable Cause ought to be killed on the Spot:

Every Person who, occupying a Blacksmith's, Whitesmith's, or Nailmaker's Shop having a Door or Window or other Opening fronting or opening into or towards any Street, does not by good and close Doors or Shutters every Evening, not later than Half an Hour after Sunset, prevent the Light from such Shop shining into any Street:

Every Person who discharges any Smoke or Steam from any Building (otherwise than from the Top thereof) into any Street, or who constructs or uses any Steam Pipe, Flue, or Funnel (not being the Funnel of a Locomotive Engine) so that the condensed Water or Moisture must usually fall into any Street:

Every Person having the Care of any Waggon, Cart, or Carriage who rides on the Shafts thereof, or who, without having sufficient Reins and holding the same, rides upon such Waggon, Cart, or Carriage, or on any Animal drawing the same, or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same, or who is asleep while such Waggon, Cart, or Carriage is in motion, or who does not in meeting any other Carriage keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage from behind does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity or some sufficient Reason for Deviation),

Deviation), or who by obstructing the Street wilfully prevents any Person or Carriage from passing him or any Waggon, Cart, or Carriage under his Care:

Every Person who at one Time drives more than Two Carts or Waggons, and every Person who at one Time drives Two Carts or Waggons either whereof is drawn by more than One Animal, and every Person who at one Time drives Two Carts or Waggons, and has not the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon by a Chain not more than Five Feet long from each Shaft of the last Cart or Waggon:

Every Person who rides or drives furiously any Animal or Carriage:

Every Person who being the Owner or Driver of any Cart or Carriage does not cause the same to be well secured in all its Parts:

Every Person who causes any Carriage, or any Sledge, Truck, or Barrow, with or without Horses, or any Beast of Burden, to stand in any Street or on any waste or uninclosed Ground in, near to, or on the Side of any Street longer than is necessary for loading or unloading Goods or Luggage, or for taking up or setting down Passengers (except Hackney Carriages and Horses, and other Beasts of Draught or Burden standing for Hire in any Place appointed for that Purpose by the Corporation or other lawful Authority); and every Person who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any Street or public Footpath or other public Thoroughfare:

Every Person who causes any Tree or Timber, or Iron Beam or Stone, to be drawn in or upon any Carriage without having or supplying sufficient Means of safely guiding the same, and causing the same to be safely guided:

Every Person who leads or rides any Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any Street, or any waste or uninclosed Ground near to or on the Side of such Footway, or fastens any Animal so that it stands or can stand across or upon any such Footway or Ground:

Every Person who places or leaves any Furniture, Goods, Produce, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing Place, Stool, Bench, Stall, or Showboard, on any such Footway or Ground, or so as to project thereover, or who places any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway

or Ground, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground, and is constructed in every respect to the Satisfaction of the Surveyor:

Every Person who places, hangs up, or otherwise exposes to Sale any Furniture, Goods, Produce, Wares, Merchandise, Matter, or Thing whatsoever so that the same projects or project into or over any such Footway or Ground, or beyond the Line of any House, Shop, or Building at which the same is or are exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway or Ground:

Every Person who rolls, drags, or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, or any Stone or Metal, upon any such Footway or Ground, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing such Footway or Ground:

Every Person who places any Line, Cord, or Pole across any Street, or hangs or places any Clothes thereon:

Every Person drunk in any Street or other open or public Place, either incapable of taking proper Care of himself, or guilty of any riotous, disorderly, or indecent Behaviour:

Every common Prostitute or Nightwalker loitering or importuning Passengers for the Purpose of Prostitution:

Every Person who wilfully and indecently exposes his Person:

Every Person who publicly offers for Sale or Distribution or exhibits to public View any profane, indecent, or obscene Book, Paper, Print, Drawing, Photograph, Painting, or Representation, or sings any profane or obscene Song or Ballad, or uses any profane or obscene Language:

Every Person who writes or draws any profane, indecent, obscene, or offensive Word, Character, Figure, or Representation on any Building, Wall, Fence, Hoarding, or other Erection anywhere in the Borough:

Every Person who, without the Consent of the Owner or Occupier of any Building, Wall, Fence, Hoarding, or other Erection anywhere in the Borough, affixes thereto any posting Bill or other Paper, or by any Writing or Drawing or otherwise marks or disfigures the same:

Every Person who wantonly discharges any Fire-arm, or throws or discharges any Stone, Snowball, or other Missile, or makes any Bonfire, or throws or sets fire to any Fireworks:

Every Person who wilfully and wantonly disturbs any Inhabitant by pulling or ringing any Door Bell or other Bell, or knocking at any Door or Gate, or who wilfully and unlawfully extinguishes the Light of any Lamp:

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow:

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slakes, sifts, or screens any Lime:

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers):

Every Person who beats or shakes any Carpet, Rug, or Mat (except Door Mats beaten or shaken before the Hour of Eight in the Morning):

Every Person who fixes or places any Flower Pot or Box or other heavy Article in any upper Window without sufficiently guarding the same against being blown or thrown down:

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger:

Every Person who throws down any Goods, Produce, Wares, or Merchandise out of any upper Story of any Warehouse, or of any other Building used for any Trade, Manufacture, or Business, and every Person being the Occupier of any Warehouse or other such Building out of which Goods, Produce, Wares, or Merchandise are or is so thrown down, but so that One Penalty only be recoverable for the same Offence:

Every Occupier of any House or other Building or other Person who orders or permits any Person in his Service to stand on the Sill of any Window in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building, unless such Window is in the Sunk or Basement Story:

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Owner or Occupier of any Building containing any willowing or other Machine for opening or cleaning Cotton, Cotton Waste, or other fibrous Substance, or any grinding or other Machine for grinding or cleaning Cards or other Instruments of Manufacture, who suffers the Dirt, Dust, or Refuse produced in the Process of opening, cleaning or grinding as aforesaid, to fall into any Street or Court, or on any Building in any Street

or

or Court, or on any Yard, Garden, or Inclosure belonging thereto:

Every Person who throws or lays, or causes to be thrown or laid, any offensive Matter or Thing on any Street, or causes any offensive Matter or Thing to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill into any Street (but so that it shall not be deemed an Offence for any Person to lay or cause to be laid Sand or other Materials in any Street in Time of Frost to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or, in case of Sickness, to prevent Noise, if the Person laying or causing to be laid any such Things causes them to be removed as soon as the Occasion for them ceases):

Every Person who keeps any Pigsty near any Street or Court, and every Person who so keeps any Swine anywhere in the Borough as to be a Nuisance.

Penalty for Injury to Churches, &c.

209. If any Person injures or defaces any Church, Chapel, or other Public Building, or any Tomb, monumental Stone, or Inscription in any Churchyard or Burial Ground, or fixes up any Bill or Paper, other than such as may be lawfully affixed thereto, against any such Building, or writes with Chalk or any other Matter thereon, he shall be liable to a Penalty not exceeding Five Pounds.

Street Musicians to depart when desired to do so.

210. Any Householder personally or by his Servant, or by any Constable, may require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder; and every Person who sounds or plays upon any Musical Instrument, or sings in any Street near or within Hearing of such House after being so required to depart, shall be liable to a Penalty not exceeding Forty Shillings.

Regulation for preventing Obstruction in Streets during public Processions, &c.

211. The Mayor may from Time to Time make Regulations for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets in Times of Holidays, public Processions, public Meeting, public Rejoicings, or Illuminations, and in Cases when the Streets are thronged or liable to be obstructed, and give Directions to the Constables for keeping Order, and for preventing any Obstruction of the Streets in the immediate Neighbourhood of the Town Hall, the Police Court, the Theatres, and other Places of public Resort; and if any Person is guilty of any Breach of such Regulations, or does not comply with the Direction of any Constable acting in pursuance thereof, he shall be liable to a Penalty not exceeding Five Pounds.

212. On

Power to regulate Route of Carriages, &c. during Divine Service.

212. On the Application of any Minister, Churchwarden, Trustee, or Officer of any Church, Chapel, or other Place of Public Worship, the Mayor may from Time to Time make Orders for prescribing the Route and Conduct of Persons driving any Cart, Carriage, or Cattle during the Hours of Divine Service on *Sunday*, *Christmas Day*, *Good Friday*, or any Day appointed for public Fast, Humiliation, or Thanksgiving, and any such Order shall be printed or painted, and fixed on some conspicuous Place near such Church, Chapel, or other Place of Public Worship; and if any Person fails to comply in any respect with any such Order he shall be liable to a Penalty not exceeding Forty Shillings.

Power to maintain Pounds.

213. The Corporation may maintain their existing Pounds, and from Time to Time erect and provide such other Pounds for impounding Cattle as they think proper, and maintain the same.

Power to impound Cattle suffered to stray.

214. If any Cattle are found straying in any Street the Owner thereof shall for each Animal be liable to a Penalty not exceeding Five Shillings; and any Officer or Person appointed by the Corporation may impound such Animal in any Pound, and may detain the same there until the Penalty and such Charges as the Corporation appoint for impounding, feeding, and keeping the same in Pound, together with Amount of any Damage caused by such Animal, to be fixed by the Corporation, are paid; and if the same are not paid within Three Days after the Animal is impounded, the Corporation may cause the Animal to be sold, after having given Three Days Notice thereof by Advertisement in some Newspaper circulating in the Borough; and the Charges aforesaid and those of the Sale, and the said Penalty and Damages, shall be defrayed by such Sale, and the Surplus (if any) shall be paid to the Owner of the Animal upon Demand.

Penalty for Pound-breach.

215. If any Person releases or attempts to release any Cattle from any Pound where the same are impounded under the Authority of this Act, or damages or destroys any such Pound, or any Part thereof, with Intent to procure the unlawful Release of such Cattle, he shall be liable to a Penalty not exceeding Forty Shillings, or, in the Discretion of the Justice before whom he is convicted, to Imprisonment with or without Hard Labour for any Term not exceeding Three Months.

Persons having Goods suspected to be stolen in possession to be guilty of a Misdemeanor.

216. If any Person brought before any Justice charged with having in his Possession or conveying in any Manner anything reasonably suspected to be stolen or unlawfully obtained does not give an Account to the Satisfaction of the Justice before whom he is brought of the Manner in which he came by the same, he shall be liable

liable to a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice, to be imprisoned with or without Hard Labour for any Term not exceeding Two Months.

Delivery of Goods unlawfully pawned and in possession of Brokers, &c.

217. If any Goods are stolen or unlawfully obtained, or being in the Care of any Person for the Purpose of being repaired, cleaned, or made up, or being otherwise lawfully obtained, are unlawfully deposited, pawned, pledged, sold, or exchanged, and Complaint is made to any Justice that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand Property, or of any Person who has advanced Money upon the Credit thereof, such Justice may issue a Summons or Warrant for the Appearance of such Broker, Dealer, or other Person as aforesaid before any Justice, and for the Production of the Goods, and such last-mentioned Justice may order such Goods to be delivered up to the Owner thereof, either without any Payment by or to such Owner, or upon Payment of such Sum and at such a Time as such Justice thinks fit; and if any Broker, Dealer, or other Person being so ordered refuses or neglects to deliver up the Goods he shall forfeit to the Owner the full Value thereof to be determined by a Justice; but such Order shall not bar such Broker, Dealer, or other Person from recovering Possession of such Goods by Proceedings at Law from the Person into whose Possession they come by virtue of the Order, so that such Proceeding be commenced within Six Months next after the Order is made.

Restoration of Property unlawfully pawned, &c.

218. Any Justice may order that any Goods unlawfully pawned, pledged, or exchanged, brought before him, the Ownership of which is established to his Satisfaction, be delivered up to the Owner by the Person with whom they were unlawfully pawned, pledged, or exchanged, either without Compensation or with such Compensation as the Justice thinks fit.

Delivery of Goods charged to have been stolen or fraudulently obtained and in Custody of Constable.

219. If any Goods or Money charged to have been stolen or unlawfully obtained are or is in the Custody of any Constable by virtue of any Warrant of a Justice, or in prosecution of any Charge of Felony or Misdemeanor, and the Person charged with having stolen or unlawfully obtained Possession of the same is not found, or is summarily convicted or discharged, or is tried and acquitted, or is tried and found guilty, but the Property so in Custody has not been included in any Indictment, the following Provisions shall apply thereto; namely,

(1.) Any Justice may make an Order for the Delivery of such Property to the Person appearing to be the rightful Owner thereof:

(2.) Such

(2.) Such Order shall not be any Bar to the Right of any Person to sue the Person to whom the Property is delivered, and to recover the same from him by Proceedings at Law, so that such Proceedings be commenced within Six Months next after the Order is made:

(3.) In case the Owner cannot be ascertained, any Justice may order that the Property be delivered to the Treasurer:

(4.) The Treasurer may, after the Expiration of Twelve Months during which no Owner shows his Title to such Property, sell such Goods, and place the Proceeds thereof and place such Money to the Credit of the Borough Fund:

(5.) If, nevertheless, such Goods are of a perishable Nature, the Sale may be effected immediately, and the Proceeds thereof shall be carried to the Credit of the Borough Fund after the Expiration of such Twelve Months.

Application of 23 & 24 Vict. c.84.(against Adulteration of Food, &c.) to Borough.

220. The Act of the Session of the Twenty-third and Twenty-fourth Years of Her Majesty (Chapter Eighty-four), "for preventing "the Adulteration of Articles of Food or Drink," shall apply to the Borough as if it had a separate Court of Quarter Sessions.

Power to seize and destroy diseased Cattle.

221. If any Animal comprised under the Definition of Cattle in this Act infected with or labouring under any infectious or contagious Disease is exposed or offered for Sale, or is brought or attempted to be brought through any Street, any Inspector, Collector, or Constable may seize such Animal, and cause the same to be inspected by Two Veterinary Surgeons or other competent Persons, and shall report such Seizure to a Justice, and such Justice may, after hearing the Evidence, either order such Animal to be restored, or direct the same, and also any Pens, Hurdles, Crofts, Litter, Hay, Straw, or other Articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of.

Prohibition as to diseased Cattle.

222. If any Person exposes or offers for Sale, or brings or attempts to bring through any Street, any Animal comprised under the Definition of Cattle in this Act infected with or labouring under any infectious or contagious Disease, knowing the same to be infected with or labouring under any such Disease, he shall be liable to a Penalty not exceeding Twenty Pounds.

Dangerous Places to be repaired or enclosed.

223. With respect to the repairing or enclosing of dangerous Places, the following Provisions shall take effect; namely,

(1.) If any Building, Wall, Structure, or other Thing, or any Coal-pit Shaft, used or disused, Excavation, Land, Reservoir, Pond, or Dam of Water, or Place, is in the Opinion of the Corporation,

Corporation, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Occupiers thereof, or of the neighbouring Buildings or Lands, or to the Passengers along any Street or Footpath, the Corporation may order the Owner within the Period in the Order prescribed to repair, protect, or enclose the same so as to prevent any Danger therefrom:

(2.) If after Service of the Order on the Owner the Directions of the Order are not complied with within the prescribed Period the Owner shall be liable to a Penalty not exceeding Twenty Pounds, and in that Case, and also if the Owner is not known or cannot after due Inquiry be found, the Corporation may cause such Works as they think proper to be done for effecting such Repair, Protection, or Enclosure, and the Expenses thereof shall be payable by the Owner:

(3.) If such Owner can be found within the Borough, and if on Demand of the Expenses aforesaid he neglects or refuses to pay the same, then such Expenses may be levied by Distress, and any Justice may issue his Warrant accordingly:

(4.) If such Owner cannot be found within the Borough, or sufficient Distress of his Goods and Chattels within the Borough cannot be made, the Corporation, after giving Twenty-eight Days Notice of their Intention to do so by posting a Notice in a conspicuous Place on or near such Building, Thing, or Place, may take possession of the same, provided such Expenses are not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building, Thing, or Place, but deducting out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of such Building, Thing, or Place:

(5.) If any such Building, Wall, Structure, or other Thing, or any Part thereof, is pulled down by virtue of the present Section, the Corporation may sell the Materials thereof, or of so much of the same as is pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such Building or other Thing, and the Corporation shall restore any Overplus arising from such Sale to the Owner on Demand:

(6.) Nevertheless the Corporation, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Expenses.

224. The

Cleansing of Footpaths.

224. The respective Occupiers of Houses and Buildings, with the Yards, Gardens, Pleasure Grounds, and other Appurtenances next adjoining the several Streets, Lanes, Highways, Passages, and other public Places in the Borough, the Churchwardens and Chapelwardens of every Church or Chapel, the Owner of any Dead Wall or other Fence or vacant Piece of Ground (not used as Arable, Meadow, or Pasture Ground only), the Trustees, Treasurer, and Minister of every Meeting House or Place of Public Worship, and the Person for the Time being the ostensible Director or Manager of every Hospital, School, Theatre, or other Public Building, in the Streets, Lanes, Highways, Passages, and other public Places in the Borough, shall cause to be well and sufficiently swept or cleansed the several Footways and Foot Pavements along the whole Length of the Fronts of the respective Houses, Buildings, Churches and Churchyards, Chapel and Chapelyards, Dead Walls, vacant Pieces of Ground, Meeting Houses, Hospitals, Schools, Theatres, and other Public Buildings, Tenements, Yards, Gardens, Pleasure Grounds, or other Hereditaments (except as aforesaid), and to the full Extent of the said Footways and Foot Pavements before, behind, and on the Side or Sides of the same respectively, before the Hour of Nine of the Clock in the Morning on every *Tuesday* and *Saturday*, and on such other Days and at such other Times as the Corporation from Time to Time order, and shall also cause the Dirt, Soil, Snow, or Ice arising from such sweeping and cleansing to be put together so as not to obstruct either the Carriageway or Footway, in order that the same may be removed by the Scavenger or other Person employed by the Corporation; and if any such Occupier or other Person make default in any of the Cases aforesaid he shall be liable to a Penalty not exceeding Ten Shillings.

XIV.—Public Houses, &c.

Regulations respecting Coffee Shops, &c.

225. If any Person not being a Licensed Victualler or Person licensed to sell Beer by Retail to be drunk on the Premises, or licensed to keep a Refreshment House under the Act of the Session of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter Twenty-seven, has or keeps any House, Shop, Room, Cellar, or Vault, or Place of public Resort, wherein ready-made Tea or Coffee, cooked Victuals, Provisions, Liquors, or Refreshments of any Kind is or are sold or consumed, whether the same is or are kept or retailed therein or procured elsewhere, and knowingly permits Drunkenness or other disorderly Conduct in such House, Shop, Room, or Place, or knowingly suffers any unlawful Game or any Gaming therein, or knowingly permits Prostitutes, reputed Thieves, drunken or idle and disorderly Persons, or Persons of notoriously bad Character, to meet together and remain there, he shall be liable to a Penalty not exceeding Five Pounds; and any Constable may at any Time enter into

any such House, Shop, Room, Cellar, Vault, or Place the Owner or Keeper whereof has been within Twelve Months before such Entry convicted of any such Offence as aforesaid; and if any such Owner or Keeper, or any Person in his Employment, in such Case refuses to allow or does not on Application allow such Constable so to enter, every Person so offending shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Keepers of Cookshops, &c. making internal Communications with an adjoining Public House.

226. If any Person makes or uses, or allows to be made or used, any internal Communication between any House, Shop, Room, or Place of public Resort licensed for the Sale of Wine, Spirits, Beer, or other exciseable Articles, and any House, Shop, Room, or Place not so licensed, he shall be liable to a Penalty not exceeding Ten Pounds for every Day that such Communication is open.

Regulation of Places for Dancing, Music, and other public Entertainments.

227. For the Regulation of Places for public Dancing or Music, or other public Entertainment of the like Kind, the following Provisions shall take effect; namely,

(1.) Any House, Room, or other Place licensed for the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors, or any Room, Garden, or Place, shall not be kept or used for public Dancing, Music, or other public Entertainment of the like Kind without a Licence for all or some of those Purposes first obtained from the Justices acting for the Borough:

(2.) Such Justices may, under the Hands of a Majority of them assembled at any Special Session convened by Fourteen Days previous Notice, grant Licences to such Persons as they think fit to keep or use Houses, Rooms, Gardens, or Places for all or some of the Purposes aforesaid upon such Terms and Conditions, and subject to such Restrictions, as they by the respective Licences determine; and every Licence shall be in force for One Year:

(3.) Such Justices may from Time to Time at any such Special Session aforesaid transfer any such Licence to such Person as they think fit:

(4.) Each Person shall in each Case give Seven Days Notice to the Clerk of the Justices of his Intention to apply for any such Licence, or for the Transfer of any such Licence:

(5.) Any House, Room, Garden, or Place kept and used for public Dancing, Music, or other public Entertainment of the like Kind without such Licence first obtained shall be deemed a disorderly House, and the Person occupying or rated as the Occupier of the same shall be liable to a Penalty not exceeding Five Pounds for every Day on which the same is kept and used for any of the Purposes last aforesaid:

(6.) There

(6.) There shall be affixed and kept up in some conspicuous Place on the Door or Entrance of every House, Room, Garden, or Place so kept or used and so licensed as aforesaid an Inscription in large Capital Letters in the Words following, "Licensed in pursuance of Act of Parliament:"

(7.) Any House, Room, Garden, or Place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said Purposes except between the Hours stated in the Licence:

(8.) The affixing and keeping up of such Inscription as aforesaid and the Limitation of the Hours of opening shall be inserted in, and made Conditions of, every such Licence; and in case of any Breach of either of those Conditions such Licence shall be liable to be revoked by the Order of any Two Justices.

Penalties on Brothel Keepers, &c.

228. If any Person keeps or acts or assists in the Management of any Brothel or other disorderly House, Room, or other Place, he shall be liable to a Penalty not exceeding Ten Pounds, or, in the Discretion of the Justice before whom he is convicted, to be imprisoned, with or without Hard Labour, for any Term not exceeding One Month.

Power to enter upon unlicensed Theatres, &c.

229. Any Justice may by Order in Writing authorize any Constable to enter into any Building or Part of a Building or any Place kept or used or suspected to be kept or used for Stage Plays or Dramatic Entertainments into which Admission is obtained by Payment of Money, and which is not a licensed Theatre, at any Time when the same is open for the Reception of Persons resorting thereto, and to take into Custody any Person found therein without lawful Excuse; and every Person keeping, using, or knowingly letting any Building or Part of a Building or any Place for the Purposes aforesaid, or any of them, shall be liable to a Penalty not exceeding Twenty Pounds; and every Person performing or being therein without lawful Excuse shall be liable to a Penalty not exceeding Forty Shillings; and the Burden of proving that any such Place is a licensed Theatre shall be upon the Person keeping the same.

XV.—Brokers, &c.

Power to license Brokers, &c.

230. The Corporation may from Time to Time grant to every such Person as they think fit a Licence to carry on the Business of a Broker, or of a Dealer in Second-hand Goods, or in Marine Stores, or in old Metals, and may charge a Fee not exceeding Five Shillings for

for any such Licence for Twelve Months, and in the like Proportion for any shorter Period.

Power to make Byelaws as to Brokers, &c.

231. With respect to such Brokers and Dealers and their Licences, the Corporation may from Time to Time make Byelaws for all or any of the following Purposes; namely,

For regulating the Applications for such Licences, and the Form and Contents and Signature thereof, and the Registration thereof, and of Matters relative thereto:

For regulating the Duration of every such Licence, and providing for the Suspension or Revocation thereof by the Corporation:

For requiring every Person so licensed to give Notice to the Corporation in case of his changing his Place of Abode, or his Place of carrying on his Business, either to a different Building or to a different or additional Part of the same Building:

For requiring every Person so licensed to keep exhibited outside his Place of Business his Name and Occupation, and any other Particulars:

For requiring every Person so licensed to enter in a Book the Description and the Price of every Article purchased or acquired by him in the course of his Business, and the Name, Address, and Occupation of the Person from whom the same is purchased or otherwise acquired, and any other Particulars, and for securing free Access to every such Book to the Corporation, their Officers and Servants, and Persons authorized by the Corporation to inspect the same.

Licences may be suspended or revoked.

232. Any such Licence may be suspended or revoked by any Justice before whom the Person licensed is convicted of any Offence making it, in the Opinion of such Justice, expedient that such Licence should be suspended or revoked.

Penalty on Persons carrying on Business without Licence.

233. If any Person, after the Expiration of One Month from the Commencement of this Act, carries on while unlicensed the Business of such a Broker or Dealer as aforesaid, he shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Offence continues after the Time when the Penalty of Twenty Pounds is incurred.

Act not to extend to Pawnbrokers, &c.

234. Nothing in this Act with respect to such Brokers or Dealers shall affect Persons carrying on the Business of Pawnbrokers, being duly licensed for that Purpose.

XVI.—Hackney and Stage Carriages, Porters Carts, Porters and Drovers.

Power to license Hackney Carriages and Porters Carts and Drivers.

235. The Corporation may from Time to Time license such Number of Hackney Carriages and Porters Carts to ply for Hire within the Borough, and such Number of Persons to act as Drivers thereof respectively, as they think fit.

Prohibition of Use of Carriages, &c. without Licence.

236. If the Proprietor of or any Person interested in any Carriage or Cart permits it while unlicensed to be used as a Hackney Carriage or Porter's Cart plying for Hire, or if any Person is found driving, standing, or plying for Hire with any Carriage or Cart while it is unlicensed, he shall be liable to a Penalty not exceeding Forty Shillings.

Prohibition of unlicensed Persons acting as Drivers.

237. If any Person while unlicensed acts as Driver of a licensed Hackney Carriage or licensed Porter's Cart, or if any licensed Driver lends his Licence, or parts with the Possession of it, or fails to produce it when required by any Justice or by any Hackney Carriage Inspector or by any Constable, or if the Proprietor of a Hackney Carriage or Porter's Cart employs an unlicensed Person as Driver thereof, he shall be liable to a Penalty not exceeding Forty Shillings.

Power to make Bye-laws as to Hackney Carriages and Porters Carts and Drivers.

238. The Corporation may from Time to Time make Byelaws for all or any of the following Purposes; (that is to say,)

For regulating the Mode of Application for and the issuing of Licences for Hackney Carriages and Porters Carts and the Drivers thereof, and the Fees to be paid for Licences (not exceeding Five Shillings for any such Licence for Twelve Months, and in the like Proportion for any shorter Period), and the Form and Contents of Licences and the registering thereof, and of Matters relative thereto, and the Duration of Licences, and the Conditions on which the same are to be held, or may be revoked or suspended:

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages and Porters Carts in their several Employments, and determining whether such Drivers shall wear any and what Badge, and for regulating the Hours within which they may exercise their Calling:

For the numbering of Hackney Carriages and Porters Carts, and for regulating the Manner in which the Numbers are to be displayed:

For regulating the Number of Persons to be carried by any Hackney Carriage, and in what Manner such Number is to be shown on such Carriage, and for requiring the Driver to carry that Number or any less Number, and for regulating what

Number of Animals is to draw any Hackney Carriage or any Porter's Cart, and the Quality and Condition of such Animals, and the placing of a Check String to any such Carriage, and the holding of the same by the Driver, and how such Carriages are to be furnished or provided:

For punishing Misconduct of Drivers of Hackney Carriages and Porters Carts in refusing or neglecting to drive as required, and for preventing the carrying in or upon Hackney Carriages of dead Bodies, or of Persons having any infectious, contagious, or loathsome Disease, and for preventing Persons being carried in or upon Hackney Carriages without the Consent of the Hirers:

For fixing the Stands of Hackney Carriages and Porters Carts, and the Distance to which they may be compelled to take Passengers and Goods, not exceeding Three Miles beyond the Boundary of the Borough:

For fixing the Fares for Time and for Distance to be paid for Hackney Carriages and for Porters Carts, and for securing the due Publication thereof, and for regulating Deposits of Money in addition to Fares for Carriages or Carts kept waiting by the Hirers:

For securing the safe Custody and Re-delivery of Property accidentally left in any Hackney Carriage or Porter's Cart, and fixing the Charges to be paid in respect thereof.

Penalty for fraudulent Use of Numbers, &c.

239. If any Person fraudulently or with Intent to deceive does either of the following Things, namely,

(1.) Affixes or places on any Carriage or Cart any Figure or Number to resemble any Figure or Number appointed by the Corporation to be affixed to any licensed Hackney Carriage or licensed Porter's Cart;

(2.) Affixes or carries on his Person any Badge, Figure, or Number to resemble any Badge, Figure, or Number appointed by the Corporation to be carried by a licensed Driver;

he shall be liable to a Penalty not exceeding Forty Shillings.

Agreement for less than Fare binding on Driver.

240. If the Proprietor or Driver of a licensed Hackney Carriage or licensed Porter's Cart, or any Person on his Behalf, agrees beforehand with any Hirer thereof to take for any Job a Sum less than the Fare allowed by Byelaw, but exacts or demands for such Job more than the Sum agreed on, he shall be liable to a Penalty not exceeding Forty Shillings.

Agreement for more than Fare not binding on Hirer.

241. An Agreement made with the Driver of, or any Person having or pretending to have the Care of, any Hackney Carriage or Porter's Cart for the Payment of more than the Fare allowed by Byelaw, shall not be binding on the Person making the same who may, notwith-

notwithstanding such Agreement, refuse on discharging such Carriage or Cart to pay any Sum beyond the Fare allowed by Byelaw; and if any Person actually pays to any such Driver, in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which the Driver is entitled, he may, on Complaint made against the Driver before a Justice, recover back such Sum, and, moreover, the Driver shall be liable to a Penalty not exceeding Forty Shillings, and in default of Repayment by such Driver of such Excess of Fare, or the Payment of such Penalty, the Justice may commit him to Prison for any Time not exceeding One Month unless the Excess of Fare and the Penalty are sooner paid.

Agreement for discretionary Distance.

242. If the Proprietor or Driver of any Hackney Carriage, or any Person on his Behalf, agrees with any Person to carry by such Carriage Persons not exceeding in Number the Number allowed to be carried by it for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed on, but the Distance for which he carries such Persons is less than that for which they are entitled to be carried for the Sum agreed on according to the Fares allowed by Byelaw, he shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for Demand of excessive Fares.

243. If any Proprietor or Driver of a Hackney Carriage or Porter's Cart is convicted of taking as a Fare a greater Sum than that allowed by Byelaw he shall be liable to a Penalty not exceeding Forty Shillings, which Penalty may be recovered before One Justice; and in the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, in addition to the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved.

Drivers not to act without Consent of Proprietors, &c.

244. It shall not be lawful for any Person authorized by the Proprietor of any Hackney Carriage or Porter's Cart to act as Driver thereof to suffer any other Person to act as Driver thereof without the Consent of the Proprietor thereof, or for any Person, whether licensed or not, to act as Driver of any such Carriage or Cart without the Consent of the Proprietor thereof; and if any Person offends in any respect against the present Enactment he shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Driver for Misconduct, &c.

245. If the Driver of, or any Person having or pretending to have the Care of, any Hackney Carriage or Porter's Cart, is intoxicated while driving, or by wanton and furious driving, or by any other wilful Misconduct, injures or endangers any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds.

246. If

Penalty on Driver for obstructing Streets, &c.

246. If any Driver of a Hackney Carriage or Porter's Cart suffers the same to stand for Hire across any Street, or alongside of any other such Carriage or Cart, or refuses to give way if he conveniently can to any such other Carriage or Cart, or obstructs or hinders the Driver of any Carriage from taking up or setting down any Person into or from any Carriage, or wrongfully or in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage or Porter's Cart from being hired, he shall be liable to a Penalty not exceeding Twenty Shillings.

Proceedings where Carriage, &c. left in Street.

247. If the Driver of any Hackney Carriage or Porter's Cart leaves it in any Street or at any Place of public Resort or Entertainment, whether it is hired or not, without some one proper to take care of it, any Constable may drive it away, and deposit it and the Animal harnessed thereto at some neighbouring Livery Stable or other Place of safe Custody, and such Driver shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings, and in default of Payment thereof, and of the Expenses of the taking and keeping of the Carriage or Cart and Animal, the same, with the Harness belonging thereto, or any of them, shall be sold by Order of a Justice, and after Payment out of the Produce of such Sale of the Amount of the Penalty, and of all Costs and Expenses, as well of the Proceedings before the Justice as of the taking, keeping, and Sale aforesaid, the Surplus, if any, of such Produce shall be paid to the Proprietor of the Carriage or Cart.

Liability of Proprietor to Compensation for Damage done by Driver.

248. Where any Hurt or Damage is caused to any Person or Property by the Driver of any Hackney Carriage or Porter's Cart let to Hire, the Justice before whom the Driver is convicted may order that the Proprietor of the Carriage or Cart do pay such Sum, not exceeding Five Pounds, as appears to the Justice reasonable Compensation for such Hurt or Damage, and every Proprietor who pays any such Compensation may recover the same from the Driver.

Endorsement of Conviction of Driver on Licence.

249. Where any licensed Driver complained of is adjudged guilty of the Offence alleged against him, the Justice before whom he is convicted shall make an Endorsement on his Licence stating the Offence and the Amount of the Penalty inflicted.

Compensation, &c. to Driver acquitted.

250. If the Driver of a Hackney Carriage or Porter's Cart is summoned or brought before any Justice to answer any Complaint or Information concerning any Offence alleged to have been committed by him against this Act, or any Byelaw under it, and the Complaint or Information is withdrawn or quashed or dismissed, or the Driver is acquitted of the Offence charged against him, the Justice may order the Complainant or Informant to pay to the Driver such Compen-

Compensation for his Loss of Time in attending the Justice concerning the Complaint or Information as to the Justice seems reasonable, and in default of Payment of such Compensation the Justice may commit the Complainant or Informant to Prison for any Time not exceeding One Month, unless the same is sooner paid.

Power to reward Drivers.

251. The Corporation may reward a licensed Driver for meritorious Conduct.

Recovery of Fare.

252. If any Person refuses to pay on Demand to any Proprietor or Driver of any Hackney Carriage or Porter's Cart the Fare to which he is entitled, the same may be recovered with Costs before a Justice as a Penalty.

Penalty for Injury to Carriage or Cart.

253. If any Person using any Hackney Carriage or Porter's Cart wilfully injures the same he shall be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of the Carriage or Cart reasonable Satisfaction for the Damage sustained, and such Satisfaction shall be ascertained by the Justice before whom the Conviction is had, and may be recovered by the same Means as the Penalty.

Power to make Bye-laws as to Omnibuses, Carts, &c.

254. The Corporation may from Time to Time make Byelaws for all or any of the Purposes following; (that is to say,)

For regulating Omnibuses and Stage Carriages in the Streets, and the Conduct of the Drivers and Conductors thereof, and for preventing the overcrowding thereof, and touching the Number and Fitness of the Animals to be employed to draw the same:

For requiring Owners of Carts used in the Streets to place their Names, Descriptions, and Addresses conspicuously on their Carts:

For prohibiting any Person from acting as Driver of any Cart on which the Owner's Name, Description, and Address are not so placed.

Power to make Bye-laws as to Porters and Drovers.

255. The Corporation may from Time to Time make Byelaws for all or any of the Purposes following; (that is to say,)

For licensing Porters (that is to say, Persons following the Business of carrying Errands, Messages, Parcels, or Luggage for Hire), and Drovers (that is to say, Persons offering themselves to lead or drive Cattle for Hire), and for charging any Fee not exceeding Five Shillings for any such Licence for Twelve Months, and in the like Proportion for any shorter Period, and for regulating the Conduct of Porters and Drovers in their Employments, and

determining whether Porters and Drovers shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling:

For fixing the Stands of Porters and Drovers, and the Distance to which they may be compelled to take Goods and Messages not exceeding Three Miles beyond the Boundary of the Borough:

For fixing the Fares as well for Time as for Distance to be paid to Porters and Drovers, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left with Porters or Drovers, and fixing the Charges to be paid in respect thereof:

And in any such Byelaws the Corporation may (if they think fit) adopt and apply to Porters and Drovers, *mutatis mutandis*, any of the Provisions of this Act relative to Drivers of Hackney Carriages and Porters Carts, so far as the same are applicable.

XVII.—Fire.

Power to provide Fire Police Stations, &c.

256. The Corporation may continue and maintain their Fire Police Stations and Engine Houses, and other Offices and Buildings connected with the Fire Police Establishment, and may from Time to Time enlarge the same, and purchase by Agreement, or take at a Rent, any Buildings or Lands for Fire Police Stations, Engine Houses, and Firemen's Dwellings, and other Buildings or Lands necessary for Fire Police Purposes, with all proper Conveniences, and appropriate for those Purposes and alter and enlarge any Buildings or Lands for the Time being vested in them, and repair and furnish and fit up any such Buildings.

Power to provide Fire Engines, Firemen, &c.

257. The Corporation may continue and maintain and from Time to Time provide such Fire Engines, Water Buckets, Pipes, Water Carts, Fire Escapes, and other Implements for Use in case of Fire, and such Horses for drawing such Engines and Water Carts, and employ such Persons as Superintendents and Firemen on such Terms, and allow them such Wages and such Rewards for Exertion in case of Fire, and make such Byelaws for the Government of the Fire Police Establishment of the Borough, as they think fit.

Discharged Firemen or Servants may be turned out of Possession of Houses.

258. Where any Fireman or other Person discharged from the Fire Police Establishment continues to occupy any Building provided for the Purposes of that Establishment after One Week's Notice in Writing from the Corporation to quit and deliver up the Possession thereof, any Justice may, on Proof of such Notice, by Warrant authorize any Constable to enter upon such Building, and remove such Fireman or other Person and his Family therefrom, and deliver the

the Possession thereof to the Corporation, and any Constable may proceed according to the Warrant.

Power to enter and break open Premises in case of Fire.

259. Any Constable of the Borough, or of the Fire Police of the Borough, or any Officer or other Person appointed by the Corporation, may enter, and, if necessary, break into any Building in the Borough being or reasonably supposed to be on fire, or any Building or Lands adjoining or near thereto, without the Consent of any Owner or Occupier thereof respectively, and may do all such Acts and Things as he may deem necessary for extinguishing Fire in any such Building, or for protecting the same or rescuing any Person or Property therein from Fire.

Corporation to provide Fireplugs.

260. For securing a proper Supply of Water for extinguishing Fire within the Water Limits of this Act the following Provisions shall take effect; (namely,)

(1.) Within the Borough the Corporation shall fix and maintain proper Fireplugs in their Main and other Pipes at convenient Distances, not being more than Two hundred Yards from each other, in Streets built upon, to the Extent in the aggregate of One Half of their Length, and not exceeding Three hundred Yards from each other in other Cases:

(2.) Beyond the Borough the Corporation shall fix and maintain proper Fireplugs in their Main and other Pipes at such Places as they think requisite, having regard to the Number of the Buildings near such Pipes and other Circumstances:

(3.) The Corporation shall, at the Request and Expense of the Owner or Occupier of any Work, Warehouse, or Manufactory in any Street or Court within or beyond the Borough in which there is a Pipe of the Corporation, place in each Street or Court and maintain a Fireplug (to be used only for extinguishing Fires) as near as conveniently may be to the Exterior of such Work, Warehouse, or Manufactory:

(4.) As soon as any such Fireplug is completed the Corporation shall deposit a Key thereof at each Place where any public Fire Engine is kept under this Act, and in such other Places as they think fit, and shall put up a public Notice in some conspicuous Place in each Street or Court in which such Fireplug is placed showing its Situation, which Notice they may put up on any Building in such Street:

(5.) The Corporation shall at all Times keep charged with Water all their Pipes to which Fireplugs are fixed, and shall allow all Persons at all Times to take and use Water for extinguishing Fire without Payment:

(6.) If

(6.) If the Corporation fail to fix or maintain such Fireplugs, or (unless prevented by Frost, unusual Drought, or other unavoidable Accident or reasonable Cause) to keep their Pipes charged as aforesaid, they shall be liable to a Penalty not exceeding Ten Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which such Failure continues after Notice in Writing given to them thereof.

Power to send Fire Engines and Fire Police out of Borough.

261. The Corporation may send any Fire Engine and any Part of the Fire Police Establishment beyond the Borough to extinguish Fire.

Penalties as to Chimneys on Fire.

262. If any Person wilfully sets on fire any Chimney he shall be liable to a Penalty not exceeding Five Pounds; and if any Chimney takes fire accidentally, the Occupier of the Building, or the Part thereof to which such Chimney belongs, shall be liable to a Penalty not exceeding Ten Shillings, unless he proves to the Satisfaction of the Justice before whom the Case is heard that the Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or his Servant.

Restriction on making of Fireworks, &c.

263. If any Person makes within the Borough Lucifer Matches, or any combustible Article in the Manufacture of which Gunpowder or detonating Powder is used, in any Place other than in a detached Building, or in any Case nearer than One hundred Yards to any Street or Dwelling House, he shall be liable to a Penalty not exceeding Ten Pounds, and to a further Penalty not exceeding Ten Pounds for every Day during which the Offence continues after the Time when the First Penalty of Ten Pounds is incurred.

Execution of licensing Powers as to Gunpowder, Petroleum, &c.

264. For the better Execution of the Provisions of the following Acts, (namely,)

The Gunpowder Act, 1860, and any Act for the Time being in force amending the same;

The Act of the Session of the Twenty-fifth and Twenty-sixth Years of Her Majesty (Chapter Sixty-six), "for the safe "keeping of Petroleum,"

the following Provisions shall take effect; (that is to say,)

(1.) Any Licence granted under the last-mentioned Acts, or any of them, may be suspended or revoked when and as the Council think fit:

(2.) Every such Licence shall be under the Hand of the Town Clerk:

(3.) For

(3.) For every such Licence the Council may charge a Fee not exceeding Five Shillings:

(4.) The Powers conferred on the Council by the last-mentioned Acts, or any of them, or by this Act, in relation thereto, may be executed by a Committee of the Council appointed according to the Provisions of the Municipal Corporation Acts as modified by this Act.

XVIII.—Execution of Works generally.

Power to execute Works, &c. in default of Person liable.

265. Whenever by this Act, or any Byelaw thereunder, or any Notice or Order of the Corporation, any Work, Act, or Thing is required to be done by any Owner, Occupier, or other Person, and Default is made therein, or if any such Work, Act, or Thing is improperly or insufficiently done, the Corporation may cause such Work, Act, or Thing to be executed, re-executed, or done (as the Case may require), and also whenever any Work, Act, or Thing is by this Act or by any such Byelaw, Notice, or Order as aforesaid prohibited being done, and it nevertheless is done, the Corporation may remove, abate, or alter the Work, Act, or Thing so done, and the Expenses incurred by the Corporation in any such Case, or incidental thereto, shall be repaid to them by the Person making default in the Execution or doing of, or improperly or insufficiently or unlawfully executing or doing, such Work, Act, or Thing, as the Case may be, notwithstanding any Penalty may be imposed upon such Person by this Act or any such Byelaw.

Power to enter and inspect.

266. The Corporation by their Officers and Servants may at all reasonable Times in the Daytime, and after Twenty-four Hours Notice to the Occupier of the Premises, or, if there is no Occupier, to the Owner, from Time to Time enter upon any Building or Lands for the Purpose of inspecting any Works or Buildings in Progress of Construction or Alteration, or of making such Examination as may be necessary to ascertain whether the Provisions of this Act, or of any Byelaw thereunder, have been complied with, or of carrying into execution any of the Powers contained in this Act or in any such Byelaw, without being deemed Trespassers, or liable to any Action, Indictment, or other Proceeding on account thereof.

Penalty on Occupiers opposing Execution of Act.

267. In case the Occupier of any Building or Lands prevents the Owner thereof from carrying into effect in respect thereof any of the Provisions of this Act, or of any Byelaw thereunder, then, after Notice of this Provision given by the Owner to the Occupier, any Justice, upon Proof thereof, may make an Order in Writing requiring the Occupier to permit the Owner to execute all such Works with respect to such Building or Lands as may be necessary for carrying into

into effect the Provisions of this Act or of any such Byelaw; and if after the Expiration of Ten Days from the Service of such Order the Occupier continues to refuse to permit the Owner to execute any such Work, he shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding Five Pounds, and during the Continuance of such Refusal the Owner shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Works.

Occupier in default of Owner may execute Works and deduct Expenses from his Rent.

268. Whenever Default is made by the Owner of any Building or Lands in the Execution of any Work by or by virtue of this Act, or any Byelaw thereunder, required to be executed by him, the Occupier of such Building or Lands may, with the Approval of the Corporation, cause such Work to be executed, and the Expense thereof shall be repaid to the Occupier by the Owner, and the Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due from him to the Owner.

XIX.—Recovery of new Street and other Expenses.

Recovery of new Street and other Expenses from Owners and others.

269. All new Street Expenses and all other Expenses by this Act or any Byelaw thereunder made payable by or recoverable from the Owner of any Building or Lands, or from the Occupier of any Building or Lands, or from any other Person, shall, if not paid on Demand, be recoverable by the Corporation, with Interest thereon from the Expiration of One Month after such Demand at a Rate to be determined by the Corporation, not exceeding Five Pounds *per Centum per Annum*, either as a Debt from such Owner or from such Occupier, or from such other Person (as the Case may be), in any Court of competent Jurisdiction, or by Distress and Sale of the Goods and Chattels of such Owner or of such Occupier, or of such other Person (as the Case may be), and any Justice may issue his Warrant accordingly.

Expenses to be a Charge on Lands.

270. All new Street Expenses and other Expenses by this Act or any Byelaw thereunder made payable by or recoverable from the Owner of any Building or Lands, with such Interest thereon as by this Act or any such Byelaw is provided for, shall be a Charge on such Building or Lands in priority to any Incumbrance or Charge on or affecting the same.

Power to enter into possession, &c. where Owner fails to pay his Proportion of new Street or other Expenses.

271. If the Owner of any Building or Lands by this Act charged with any new Street or other Expenses fails for the Space of Six Months after the same become recoverable from him to fully pay the same, with all Interest thereon, or if any such Owner is or becomes bankrupt, or is unknown to the Corporation, or cannot be found by them, then and in every such Case, and as often as the same happens, the

the Corporation (by way of additional Remedy, and whether any Action against such Owner has been brought by them or not) may, on or at any Time and from Time to Time after the Expiration of One Month from Service of a Notice to such Owner of their Intention to put in force the Powers of the present Section, proceed as follows; namely,

(1.) The Corporation may enter into receipt of and demand and receive the Rents and Profits of such Building or Lands from Tenants and Occupiers and Persons liable to pay the same, and in case of Nonpayment may use all or any such lawful Remedies by way of Distress or otherwise for recovering and obtaining Payment of the same or any Part thereof as may be used by Landlords in ordinary Cases, and may do all Things necessary or expedient for recovering and receiving the Rents and Profits as if they were the Owners of the Building or Lands; and the Tenants and Occupiers and Persons liable as aforesaid shall pay the Rents and Profits aforesaid to the Corporation, and the Receipt of the Treasurer or of any Officer of the Corporation appointed in that Behalf shall be, and shall alone be, an effectual Discharge for the same:

(2.) Where any such Building or Lands is or are unoccupied or unproductive at the Time when the Corporation would be entitled under this Act to enter into the Receipt of the Rents and Profits thereof (if any), or at any Time afterwards while the Claim of the Corporation is unsatisfied, then and in every such Case, and as often as the same happens, the Corporation may enter into possession of the Building or Lands, and may occupy, enclose, and use the same or any Part thereof:

(3.) The Corporation may from Time to Time let from Year to Year, or for any shorter Period, any such unoccupied or unproductive Building or Lands, or any Part thereof, and receive the Rents and Profits thereof as if they were the Owners thereof.

Application of Rents and Profits received.

272. All Rents and Profits received in respect of any such Building or Lands as aforesaid shall be applied in the Manner and in the Order following; (namely,)

(1.) There shall be paid thereout all Taxes, Rates, Assessments, Expenses of Repairs, and other Outgoings properly payable by the Owner in respect of the Building or Lands (except any Chief Rent), and all Expenses incurred by the Corporation in relation thereto by reason or in consequence of the Failure of the Owner thereof to pay any new Street Expenses or other Expenses as aforesaid:

(2.) There

(2.) There shall be retained on behalf of the Corporation the Amount which the Owner is at the Time of the Commencement of such Receipt by the Corporation liable to pay on account of new Street or other Expenses, and Interest in respect of the same, or any other Building or Lands in the same or any other Street:

(3.) There shall be paid any chief Rent payable in respect of the Building or Lands:

(4.) The Surplus (if any) shall be paid to the Owner, his Representatives or Assigns.

Right of Corporation to Rents to exclude that of Owner, &c.

273. Whenever the Corporation so enter into receipt of the Rents and Profits, or into possession of any such Building or Lands, then for and in respect of the Period during which their Claim against the Owner for new Street or other Expenses is unsatisfied, as well after the Termination of that Period as during its Continuance, the Owner of the Building or Lands and the Owner of any chief Rent issuing thereout shall not have any Right to receive any Rents or Profits of the Building or Lands, or have any Interest therein, except under the Provisions of this Act directing the Application of Rents and Profits received by the Corporation; and for and in respect of the Period aforesaid, as well after its Termination as during its Continuance, every or any such Right shall as against any Lessee of the Building or Lands or other Person taking through or under the Corporation be by virtue of this Act absolutely extinguished.

Saving for special Contracts as to Expenses of Works.

274. Nothing in this Act shall alter the Liabilities respecting the Payment of any Expenses made payable or recoverable by this Act, or any Byelaw thereunder, of any Owner and Occupier as between themselves under any special Contract relative thereto made before or after the Commencement of this Act.

Power to allow Time for Repayment of new Street Expenses, &c.

275. When any new Street or other Expenses are to be repaid by the Owners or Occupiers of Buildings or Lands, the Corporation may by Resolution allow to the Owners or Occupiers, or any of them, Time for the Repayment thereof or of any Part thereof, and may order the same or any Part thereof to be repaid either in One Sum or by such Instalments as the Corporation think fit, with Interest for the Principal Money from Time to Time remaining unpaid after such Rate as the Corporation determine; but all Sums so remaining due, notwithstanding that the Corporation agree so to allow Time, shall from Time to Time, at the Expiration of the several Times allowed, be recoverable from the respective Owners and Occupiers for the Time being, both present and future, in succession one after another, as the same would have been recoverable from the original Owner or Occupier if no such Time had been allowed; and with respect to any

such Instalment, the Time limited by this Act or otherwise for the Recovery of Expenses shall be deemed to run only from the Time when such Instalment becomes due.

Persons having partial Interests may raise Expenses by Mortgage.

276. All Owners of Buildings or Lands being Tenants for Life only, and all Committees of Lunatics, and all Trustees, seised, possessed of, or entitled to any Estate or Interest, either at Law or Equity, in any Buildings or Lands for or on behalf of any Person or Charity, may charge such Buildings or Lands with such Sum as may be necessary to defray the whole or any Part of any new Street or other Expenses which the Owners of such Buildings or Lands for the Time being are liable to pay, and the Expenses of making such Charge, and for securing the Repayment of such Sum, with Interest, may mortgage such Buildings or Lands to any Person advancing such Sum, but so that the Principal Money due on any such Mortgage shall be repaid within Twenty Years.

Same Rules to apply as to Works previous to Act.

277. With respect to any new Street or Work begun or executed by the Corporation before the Commencement of this Act under the said Resolution of the Twenty-eighth Day of *August* One thousand eight hundred and sixty-three, or otherwise, the Provisions of this Act relative to new Street and other Expenses shall apply in every such Case as if such new Street or Work was begun after the Commencement of this Act; and all Notices given and Proceedings taken before the Commencement of this Act with a view to the beginning or Execution of any such Street or Work, or to the Recovery of the Expenses thereof, shall be as effectual to all Intents as if the same had been given or taken in accordance with the Provisions of this Act; and all such Notices and Proceedings may, after the Commencement of this Act, be acted on and continued as if they had been given and taken under this Act.

XX.—Lands.

And whereas it is expedient that the Corporation be empowered to take compulsorily or by Agreement the Lands described in the deposited Plans and Book of Reference, and not already in this Act referred to, and to take other Lands by Agreement, and to manage, let, sell, and dispose of Lands: Be it therefore further enacted as follows; (that is to say,)

Power to take Lands on Plans and in Book of Reference.

278. The Corporation may purchase, take, hold, and use the Lands or any of the Lands described in the deposited Plans and Book of Reference, and not already by this Act authorized to be taken, or such of them as they think requisite, or any Estate or Interest in such Lands, or any of them, including (in the Case of new Streets and Improvements of Streets by this Act authorized) such of those Lands as

as they think requisite for providing Space for the Erection of Buildings adjoining to or near such Streets or Improvements.

Power to take additional Lands by Agreement.

279. The Corporation may from Time to Time for the Purposes of this Act take by Agreement, in addition to the Lands which they are authorized to take by Compulsion, any Lands within the Borough, and may hold the same, so that the Lands held by them do not exceed in the whole at any One Time the Quantity which by any Charter granted to the Corporation they are authorized or empowered to hold.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

280. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, so far as the Provisions of those Acts respectively are applicable for the Purposes, and are not inconsistent with the Provisions, of this Act, are hereby incorporated with this Act, except the following Sections of the first-mentioned Act namely, Sections 127 to 132, and 134 to 148 (all inclusive); and in the Construction of those Acts in connexion with this Act, the Terms "the Promoters" and "the Company" respectively shall mean the Corporation.

Powers for compulsory Purchases limited.

281. The Powers of the Corporation for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of the following Periods after the Commencement of this Act; (that is to say,)

For the Purposes of Street Improvements, Seven Years:

For any other the Purposes of this Act, Three Years.

Errors, &c. in deposited Plans may be corrected by Justices, who shall certify the same.

282. If any Omission, Mis-statement, or wrong Description of any Land, or of any Owner, Lessee, or Occupier of any Land, described or intended or purporting to be described in the deposited Plans or Book of Reference, is discovered, the following Provisions shall take effect; (namely,)

(1.) The Corporation may apply to Two Justices for the Correction thereof, giving Ten Days Notice in Writing to the Owners, Lessees, and Occupiers of the Lands affected by the proposed Correction:

(2.) If it appears to such Justices that the Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same, stating in their Certificate the Particulars of the Omission, Mis-statement, or wrong Description:

Certificate to be deposited.

(3.) The Certificate shall be deposited with the Clerk of the Peace for the County Palatine of *Lancaster*, who shall safely keep the same in like Manner and subject to the like Regulations as the deposited Plans and Book of Reference:

(4.) There-

(4.) Thereupon the deposited Plans or Book of Reference (as the Case may require) shall be deemed to be corrected according to the Certificate, and the Corporation may take the Lands and make the Works authorized by this Act in accordance with the Certificate as if there had been no such Omission, Mis-statement, or wrong Description:

(5.) A Copy of or Extract from any such Certificate purporting to be under the Hand of the Clerk of the Peace aforesaid (which Copy or Extract he shall when required give under his Hand to any Person interested) shall be conclusive Evidence of the Correction.

Power to grant Building Leases of Lands near Park, &c.

283. In case any Lands acquired by the Corporation before or after the Commencement of this Act for the Purpose of any Park or new Street for the Time being authorized to be made by the Corporation are not laid into and made Part of the Park or Street, or where any Lands are taken by the Corporation for providing Space for the Erection of Buildings adjoining to or near any Street or Improvement, the Corporation, when and as they think fit, may convey or demise for any Term of Years such Lands or any Parts thereof to any Persons agreeing to erect thereon or any Parts thereof Erections and Buildings of such Rate or Class of Buildings, and upon such Plan and Elevation, and of such Height and with such Storeys, and with such Yards or Gardens, as the Corporation think proper, and the Corporation may (if they think fit) take any Fine for any such Conveyance or Lease, and may (if they think fit) reserve any Rent in any such Conveyance or Lease; and every such Conveyance or Lease shall contain a Covenant for the Payment of any Rent thereby reserved, and such other Covenants on the Part of the Grantee or Lessee as the Corporation think reasonable, and may contain a Clause in the Nature of a Condition of Re-entry on Nonpayment of any Rent thereby reserved, or Nonperformance of the Covenants on the Part of the Grantee or Lessee therein contained.

Power to make Agreements as to Building Leases, &c.

284. The Corporation may, if they think fit, from Time to Time enter into any Agreement for such a Conveyance or Lease on such Terms and Conditions as they think fit, and on making a Conveyance or Lease in pursuance thereof may alter the Amount of the Rent agreed to be reserved, and may apportion the same, and make separate Leases of any Parts of the Lands comprised in the Agreement, as they think fit, and may alter or rescind any such Agreement, and the Corporation may accept any Re-conveyance or the Surrender of any Lease for the Purpose of making separate Conveyances or Leases of the same Lands in Parcels at apportioned Rents, or another Conveyance or Lease of the same Lands under different Covenants, or otherwise, in all respects as they think fit.

285. The

Sale of Lands subject to Building Leases, &c.

285. The Corporation, as and when they think fit, and either before or after any such Conveyance or Lease is granted, may sell and dispose of any Rent reserved or agreed to be reserved for any such Lands, and the Reversion and Inheritance in Fee Simple in possession (subject to any such Lease or Agreement of or concerning the Lands) of such Erections and Buildings, except such as have been otherwise disposed of under this Act, either altogether or in Parcels, by Public Auction or by Private Contract, for such Price as the Corporation think reasonable, and subject to such Stipulations and Provisions for the Enjoyment thereof, and as to the Nature of the Erections and Buildings which are to be at all Times erected thereon, and to such Stipulations as to the Title to be produced to the Hereditaments sold, as the Corporation think fit; and the Corporation shall, at the Request and Expense of each Purchaser, on Payment of his Purchase Money, by Deed convey and assure the Lands purchased by him, with the Erections and Buildings thereon and the Appurtenances, to the Purchaser, his Heirs and Assigns, or as he directs, free from Incumbrances, except the Building Conveyance, Lease, or Agreement of or concerning the same made under this Act.

Power to sell without previous Grant of Building Leases.

286. The Corporation, if they think it expedient, may from Time to Time sell and dispose of in manner herein-before directed any such Lands as aforesaid without having previously made or agreed to make any Conveyance or Lease thereof, and convey and assure the same to the Purchaser thereof for such Price, and upon, under, and subject to such Covenants and Agreements on the Part of the Purchaser with respect to the Rate or Class of the Erections and Buildings to be erected thereon, and the Height, Size, and Elevations thereof, and the Time and Manner of erecting the same, and with respect to any other Matters, Restrictions, and Things relating thereto, as the Corporation think fit.

Power to enforce Stipulations for Benefit of adjoining Owners.

287. Any Stipulations or Provisions contained in any such Conveyance or Lease may at all Times be enforced in a Court of Equity by the Corporation for the Benefit of the Parties entitled to the other Property adjoining to that comprised in such Conveyance, or held under the same Title, in such Manner in all respects as the Corporation think fit.

Sales to be made within Twenty Years.

288. The Corporation shall, before or at any Time within Twenty Years after the Completion of the Park or Street for the Purposes whereof any Lands are acquired, sell or dispose of and convey such Parts of those Lands as are not wanted for the Purposes of the same Park or Street, or of any other Park or Street for the Time being authorized to be made by the Corporation; but nothing in the present Section shall compel the Corporation to sell or dispose of Rents reserved in any such Conveyances or Leases as aforesaid.

289. Subject

Power to sell, &c. Lands not wanted.

289. Subject to the other Provisions of this Act, the Corporation may from Time to Time sell, lease, exchange, or otherwise dispose of any Building or Lands, or any Parts thereof, vested in them at the Commencement of this Act, or acquired by them under this Act, and not wanted for the Purposes thereof, and make, execute, and do any Deed, Act, or Thing proper for effectuating any such Sale, Lease, Exchange, or other Disposition.

Lands in certain Cases not to be sold without Consent of Treasury.

290. Except as to Buildings or Lands acquired by the Corporation under any Act repealed by this Act, or under the recited Resolution of the Twenty-eighth Day of *August* One thousand eight hundred and sixty-three, or under any Act therein mentioned, or under the Public Works (Manufacturing Districts) Act, 1863, or under this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury, signified in Writing under the Hands of any Two of them, any Buildings or Lands which they could not have sold, alienated, encumbered, or demised without such Approbation before the Commencement of this Act.

XXI.—Borough Fund and Borough Rate.

Regulation of Borough Fund.

291. With respect to the Borough Fund, the following Provisions shall take effect; (namely,)

(1.) From and after the Commencement of this Act there shall be paid to the Treasurer, and by him on receipt carried to the Borough Fund, the Rents and Profits of the Lands of the Corporation, and all such Rents and Profits of Lands as are under this Act or otherwise for the Time being receivable by the Corporation, or any Member or Officer thereof as such, and all Money belonging or payable to the Corporation, or any Member or Officer thereof as such, (except Money borrowed under the Authority of this Act,) including the following Particulars; (namely,)

All Money in the Hands of the Treasurer at the Commencement of this Act:

All Money payable for new Street or other Expenses, Purchase Money of, Consideration for, and Fines on Lands sold, leased, exchanged, or disposed of, Gas Rents and Water Rents, Tolls, Rents, and Stallages, Profits, of Cemeteries, Fees for Licences, and Fines and Penalties inflicted under this Act, or under the Municipal Corporation Acts (except as otherwise therein provided):

But this Enumeration of certain Particulars shall not restrict the Generality of the Description before given in the present Provision:

(2.) Out of the Borough Fund there shall be paid all the Expenses of the Execution by the Corporation of the Municipal Corporation Acts and of this Act:

(3.) In case the Borough Fund is at any Time more than sufficient to pay the Expenses aforesaid, the Surplus thereof shall be applied, under the Direction of the Council, for the public Benefit of the Inhabitants or Improvement of the Borough.

Power to levy Borough Rate.

292. In case the Borough Fund is at any Time insufficient to pay the Expenses aforesaid, the Council shall from Time to Time annually or oftener, as and when they think fit, estimate as correctly as may be the Amount in addition to the Borough Fund which will be sufficient to pay the Expenses aforesaid, and shall raise the same by means of a Rate called the "Borough Rate," and accordingly such a Rate the Corporation shall annually or oftener, as and when they think fit, make, assess, and levy according and subject to the following Provisions; (that is to say,)

(1.) They shall make, assess, and levy the Borough Rate on the Occupiers of all such Kinds of Property as by the Laws in force for the Time being are assessable to any Rate for the Relief of the Poor according to the annual Rent or Value of such Property:

(2.) The Owner of any Tithes or Tithe Commutation Rentcharge, and the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water or used only as a Canal or Towing-path for the same, or as a Railway constructed or used under the Powers of any Act of Parliament for public Traffic, shall be assessed in respect of the same in the Proportion of One Fourth Part only of the annual Rent or Value thereof.

Produce of Borough Rate to be carried to Borough Fund.

293. All Money levied by means of the Borough Rate shall be paid to the Treasurer, and shall be carried to and shall form Part of the Borough Fund, and shall be applied accordingly.

Other Provisions as to Borough Fund and Rate, &c. excluded.

294. From and after the Commencement of this Act the Provisions of the Municipal Corporation Acts relative to the Creation of a Borough Fund, and to the levying of Borough Rates and Watch Rates, and the Provisions of any Act authorizing the levying of Rates for the Purposes of Baths and Wash-houses, and Bathing Places, Libraries, and Museums, Schools of Science and Art, and Burial Grounds, shall cease to apply to the Borough.

295. The

Rates may be prospective or retrospective.

295. The Corporation may make any Rate prospectively in order to raise Money to pay Expenses to be incurred after the making of the Rate, or retrospectively in order to raise Money to pay Expenses incurred within Six Months before the making of the Rate.

Power to rate Owner instead of Occupier in Cases described.

296. The Owner instead of the Occupier of the Property may from Time to Time, at the Option of the Corporation, be rated in the following Cases; (namely,)

(1.) Where the rateable Value of the Property rated does not exceed the Sum of Nine Pounds:

(2.) Where Buildings or Lands are let to Weekly or Monthly Tenants:

(3.) Where Buildings are let in separate Apartments:

(4.) Where the Rents become payable or are collected at any shorter Period than quarterly:

(5.) Where the Property rated is a Mill, Manufactory, Machine Shop, or other Work wherein or in any Part whereof Steam Power is supplied by the Owner:

Subject, except with respect to the Case lastly herein-before defined, to the following Provisions; (namely,)

(1.) Where the Owner is rated instead of the Occupier he shall be assessed upon such reduced Estimate as the Corporation deem reasonable of the net annual Value, not being less than Two Thirds or more than Four Fifths thereof:

(2.) Where such reduced Estimate is in respect of Tenements, whether occupied or unoccupied, then such Assessment may be made on One Half of the Amount at which such Tenements would be liable to be rated if the same were occupied and the Rate were levied on the Occupier.

Value of Property to be ascertained according to Poor Rate.

297. Subject to the Provisions herein-after contained, the annual Value of all Property rateable under this Act shall on every Occasion of a Rate being made be ascertained according to the then next preceding Assessment for the Relief of the Poor within the Borough.

Power for Council, &c. to inspect Parish Rate Books.

298. The Council may cause all or any of the Books or Assessments of Rates for the Relief of the Poor within the Borough to be produced before them, and may cause a Copy thereof, or of any Part thereof, to be taken without Payment; and if any Person in whose Custody or Power any such Book or Assessment is fails when required to attend the Council therewith, or to permit the Council to cause to be

be taken a Copy thereof or of any Part thereof, he shall be liable to a Penalty not exceeding Fifty Pounds.

Power to levy Rates in respect of Property not included in the Poor Rate.

299. If any rateable Property, being unoccupied at the Time when the Rate for the Relief of the Poor is made, afterwards becomes occupied, the Corporation may cause a Valuation to be made of the annual Value thereof, and a Rate to be made upon the Owner or Occupier thereof, as if the same had been included in the then next preceding Assessment for the Relief of the Poor.

If Poor Rates considered an unfair Criterion a Valuation to be made.

300. If at any Time the Rate for the Relief of the Poor is in the Judgment of the Corporation an unfair Criterion by which any Rates under this Act should be made, they may cause a Valuation to be made of all or any Part of the rateable Property within the Borough by some competent Person, and any Rate under this Act shall, as to the Property comprised in such Valuation, be made upon such Valuation.

Power for Valuer to enter and examine Lands, &c. for Purposes of Valuation.

301. For the Purpose of every such Valuation, the Person appointed for making the same, together with his Assistants, may at all reasonable Times until the same is completed enter, view, and examine, survey and admeasure, all and every Part of the Property to be valued, and do any Act or Thing necessary for making such Valuation; but any Valuation made previously to the Appointment of such Person, if tendered to him, and if in his Judgment a just and true Valuation, may be used by him.

Form of Rate.

302. Every Rate made under the Authority of this Act shall be fairly transcribed in a Book, and shall be sealed with the Common Seal of the Corporation, and no Allowance, Publication, or other Formality whatever other than such as is expressly prescribed by this Act shall be requisite to the Validity of any such Rate.

Owner may be rated without stating his Name.

303. Where the Name of any Owner liable to be so rated is not known to the Officer of the Corporation by whom the Rate Book is made, it shall be sufficient to rate such Owner in the Rate Book as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Notice of Rate to be given.

304. Notice of every Rate made under this Act having been made, and of the Place where the Rate is deposited, shall be given by the Corporation by Placards posted in some public Places, and also at every Passenger Railway Station within the Borough, within Seven Days next after the Rate is made, but it shall not be necessary in any Case to prove that such Notice has been given.

305. Imme-

Rate to be open to Inspection of Ratepayers.

305. Immediately after any Rate is made the same shall be open to the Inspection of any Person rated at all seasonable Times, and any such Person may take Copies of or Extracts from such Rate without Payment; and if the Person having the Custody of such Rate does not permit any Person rated to take such Copies or Extracts he shall be liable to a Penalty not exceeding Five Pounds.

Power to amend Rates.

306. The Corporation may from Time to Time amend any Rate by inserting therein the Name of any Person who ought to have been rated, or who since the making thereof has become liable to be rated, or by striking out the Name of any Person who ought not to have been rated, or by increasing or reducing the Sum at which any Person is rated, or by making such other Alterations therein as will make such Rate conformable to this Act, and no such Alteration shall be held to vitiate the Rate or render it less operative; but any Person shall have the same Right to appeal from any such Amendment as he would have had if the Matter of Amendment had appeared in the Rate originally made, and with respect to him the amended Rate shall be considered to have been made at the Time when he received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is newly inserted as aforesaid, the Rate shall not be payable by him until Seven Days after Notice of the Amendment given to him.

Persons aggrieved by Inequality of Rate may apply to Council.

307. If any Person thinks himself aggrieved by any Rate on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, he may, at any Meeting of the Council held at any Time within Six Weeks after the Publication of the Rate, on giving Three Days Notice to the Corporation, apply for Relief to the Council, and the Council, if they think such Person aggrieved, may give such Relief as to them seems reasonable.

Rates may be recovered by Action or Distress.

308. If any Person fails to pay the Amount due by him in respect of any Rate, the Corporation may recover the Amount, with the Costs and Expenses, by proceeding in any Court of competent Jurisdiction, or any Justice may, on the Application of the Corporation, summon such Person to appear before him or any other Justice at the Time to be mentioned in the Summons to show Cause why the Rate due from him should not be paid; and in case sufficient Cause for the Nonpayment of such Rate is not shown, the same, with such Costs as to the Justice seem reasonable, may be levied by Distress, and such Justice may issue his Warrant accordingly: Provided always, as follows; (namely,)

(1.) If sufficient Distress cannot be found within the Borough whereon to levy the said Rate and Costs, and it so appears upon Oath before a Justice of any other Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall endorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as is unsatisfied, shall be levied off the last-mentioned Goods and Chattels as if the Defaulter had been assessed in the last-mentioned County or Jurisdiction:

(2.) If it appears to the first-mentioned Justice before issuing any Warrant that such Person has not sufficient Goods or Chattels whereon the Amount of such Rate and Costs can be levied were a Warrant to be issued, or if a Warrant issues and it appears to such Justice, or to any other Justice having Jurisdiction within the Borough, upon the Return of such Warrant, that sufficient Distress cannot be had whereon to levy the said Rate and Costs, such first-mentioned Justice, or such other Justice having Jurisdiction as aforesaid, as the Case may be, may, in the first instance, or on the Return of such Warrant, by Warrant under his Hand and Seal commit such Person to Prison for any Term not exceeding Three Months, unless such Rate and all Costs of and incident to the Nonpayment thereof are sooner paid.

Rates due from Owner may be recovered from Occupier.

309. If the Amount due by any Owner of Property in respect of any Rate is not paid by him within Three Months after it becomes due, the Corporation may recover that Amount from the Occupier for the Time being of such Property as if he had been originally liable to pay the same.

Rates made for a certain Period to be apportioned.

310. When any Rate is made for a particular Period, and the Owner or Occupier rated ceases to be the Owner or Occupier of the Property in respect whereof he is rated before the End of such Period, he shall only be liable to pay the Proportion of the Rate for the Time during which he continued Owner or Occupier; and if any other Person becomes the Owner or Occupier of the Property during any Part of such Period, such Person shall only be liable to pay the Proportion of the Rate for the Time during which he holds or occupies the Property, and the same may be recovered from him as if he had been originally rated.

Recovery of Rates from Persons removing.

311. In case any Person quits or is about to quit any rated Property before he has paid all Rates due from him, and fails to pay the same on Demand, the Collector or any Constable may, by Warrant under the Hand of a Justice (which Warrant a Justice is hereby

hereby authorized and required to grant without issuing any previous Summons to such Person, upon Proof to his Satisfaction of such Removal or intended Removal, or that there is reason to suspect the same), distrain the Goods and Chattels of such Person, and sell the same, rendering the Overplus (if any), after having deducted the reasonable Expenses attending such Distress and Sale, together with the Rates so due, to the Owner of such Goods and Chattels upon Demand.

Discount on Rates.

312. The Corporation may from Time to Time, if they think fit, make an Allowance by way of Discount not exceeding the Rate of Ten *per Centum* on the Amount due in respect of Rates from every Person who pays the same within such Time after Demand thereof as the Corporation think fit to prescribe in that Behalf.

Rate Books to be Evidence.

313. The Books of the Corporation shall be received as Evidence of Rates made by the Authority of this Act.

XXII.—Borrowing Powers.

And whereas the Position of the Corporation with respect to Incumbrances on the Corporate Estates, Borough Fund, and Borough Rates, and to the Sinking Fund applicable for Payment of Part thereof, and to Powers of borrowing Money, was on the Thirty-first Day of *August* One thousand eight hundred and sixty-four such as is shown in the Fourth Schedule to this Act: And whereas for the Execution of the Works authorized by this Act it is necessary for the Corporation to have further Borrowing Powers: Be it therefore further enacted, as follows; (that is to say,)

Power to borrow on Security of Estates, &c.

314. The Corporation may from Time to Time, in addition to any existing Mortgage Debt, borrow at Interest, on the Security of the Estates and Property of the Corporation and the Borough Fund any Sum not exceeding in the whole Two hundred and forty thousand Pounds, and may mortgage their Estates and Property and the Borough Fund to secure Repayment thereof, with Interest, accordingly.

Limitation as to Expenditure of Money borrowed.

315. The Corporation shall not, out of the Money borrowed by them under this Act, expend more than the respective Amounts following in connexion with the following Purposes; (namely,)

In connexion with the Supply of Gas and Water, One hundred and thirty thousand Pounds:

In connexion with new Streets and Street Improvements, and other Purposes of this Act, One hundred and ten thousand Pounds.

316. The

Limitation as to Time of borrowing.

316. The Corporation shall not raise more than Two Thirds of the said respective Sums of One hundred and thirty thousand Pounds and One hundred and ten thousand Pounds within Six Years next after the passing of this Act.

Protection of Lenders from Inquiry.

317. Any Person lending Money to the Corporation shall not be bound or entitled to inquire as to the Observance by them of any Provision of this Act, or be bound to see to the Application or be answerable for any Loss or Non-application of such Money or of any Part thereof.

Money borrowed to be carried to Borough Fund.

318. All Money borrowed by the Corporation under this Act for the respective Purposes aforesaid shall be carried to separate Accounts, and shall be applied for the Purposes for which it is by this Act expressly authorized to be borrowed.

Power to re-borrow.

319. If the Corporation pay off any Part of any Money borrowed by them under this Act or under any former Act, and remaining unpaid at the Commencement of this Act, otherwise than by means of a Sinking Fund, they may re-borrow the same, and so from Time to Time.

Saving for existing Charges.

320. Nothing in this Act shall prejudicially affect any Charge on the Corporate Estates of the Corporation and the Borough Fund and Borough Rates, or any of them, by way of Annuity, Mortgage, or otherwise subsisting at the Commencement of this Act; and every Annuitant, Mortgagee, or Incumbrancer, or Person for the Time being entitled to the Benefit of any such Charge, shall have the same Priority of Charge, and all the like Rights and Remedies in respect of the Property subject to his Charge, as if this Act had not been passed; and all such Charges created before the Commencement of this Act shall, during the Subsistence thereof, have Priority over any Mortgage granted under this Act.

Regulations as to Mortgages.

321. With respect to Mortgages made under this Act, the following Provisions shall take effect; (namely,)

(1.) Every Mortgage shall be by Deed duly stamped, and truly stating the Consideration:

(2.) The Mortgagees and their respective Representatives and Assigns shall, in proportion to the Sums secured, be Creditors on the Property mortgaged to them respectively equally one with another, without Preference by reason of Priority of Date or otherwise:

(3.) A Register of the Mortgages shall be kept by the Town Clerk, and within Fourteen Days after the Date of each Mortgage an Entry of the Number and Date thereof, and of the Names of the Parties thereto, with their Additions, shall be made in the Register, which may be perused at all reasonable Times by any Person interested in any Mortgage without Payment.

Transfers of Mortgages.

322. With respect to Transfers of Mortgages made under this Act, the following Provisions shall take effect; namely,

(1.) Any Person entitled to a Mortgage may transfer his Interest therein to any other Person by Deed duly stamped, and truly stating the Consideration:

(2.) Within Thirty Days after the Date of every such Deed of Transfer it shall be produced to the Town Clerk, who shall cause an Entry thereof to be made in a Registry of Transfers of Mortgages on Payment of a Sum not exceeding Five Shillings, and after such Entry every such Transfer shall entitle the Transferee, his Representatives and Assigns, to the full Benefit of the original Mortgage in all respects (including the Power of Transfer), and any Person having made such a Transfer shall not have Power to release or discharge the Mortgage transferred, or any Money thereby secured.

Repayment of Money borrowed on Mortgage.

323. With respect to the Repayment of Money borrowed on Mortgages made under this Act, the following Provisions shall take effect; (namely,)

(1.) The Corporation may, if they think proper, fix a Period for such Repayment, and in that Case they shall cause such Period to be inserted in the Mortgage, and on the Expiration thereof the Principal Sum, with the Interest accrued thereon, shall, on Demand, be paid to the Person entitled to receive the same, and if a Place of Payment is not inserted in the Deed the Payment shall be made at the Town Hall:

(2.) If a Time is not fixed in the Mortgage Deed for such Repayment, the Person entitled to receive such Money may at any Time after the Expiration of Twelve Months from the Date of such Deed demand Payment of the Principal Money thereby secured, and Interest, on giving Six Months previous Notice for that Purpose, and in the like Case the Corporation may at any Time pay off the Money borrowed on giving the like Notice, and every such Notice shall be in Writing or Print, or partly in Writing and partly in Print,

and if given by the Corporation shall be given personally to the Person entitled as aforesaid, or left at his Residence, or if he is unknown to the Corporation, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *London Gazette*:

(3.) If the Corporation give Notice of their Intention to pay off any Mortgage at a Time when the same may be lawfully paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable thereon unless, on Demand of Payment made pursuant to such Notice or at any Time thereafter, the Corporation fail to pay the Principal and Interest due at the Expiration of Notice;

(4.) In order to discharge the Principal Money borrowed under this Act the Corporation shall every Year appropriate out of the Borough Fund a Sum equal to One Thirtieth Part of the Sums borrowed and remaining unpaid for a Sinking Fund, to be from Time to Time invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the way of Compound Interest or otherwise until the same is of sufficient Amount to pay off the principal Debts or some Part thereof which the Corporation think ought then to be paid off, at which Time the same shall be so applied in paying off the same:

(5.) Whenever the Corporation are able to pay off One or more of the Mortgages payable, but are not able to pay off the whole of the same Class, they shall decide by Lot the Order of Payment among that Class, and shall cause a Notice signed by the Town Clerk to be given to the Persons entitled to the Money to be paid off according to such Decision, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified at the Expiration of Six Months from the Date of such Notice.

Power for Mortgagees to obtain a Receiver.

324. With respect to a Receiver, the following Provisions shall take effect; (namely,)

(1.) If within Thirty Days after the Interest accruing upon any Mortgage made under this Act has become payable, and after Demand thereof in Writing the same is not paid, the Mortgagee may (without Prejudice to his Right to sue for the same) require the Appointment of a Receiver:

(2.) If within Six Months after the Principal Money owing upon any such Mortgage has become payable, and after Demand thereof in Writing the same is not paid, with all Interest due

in

in respect thereof, the Mortgagee (without Prejudice to his Right to sue for such Principal Money and Interest) may, if his Debt amounts to One Tenth of the whole Amount for the Time being due on Mortgages made under this Act, alone, or if his Debt does not amount to the said One Tenth then in conjunction with other Mortgagees whose Debts being so in arrear after Demand as aforesaid, together with his, amount to the said One Tenth, require the Appointment of a Receiver:

(3.) Every Application for such a Receiver shall be made to Two Justices, who may by Order in Writing after hearing the Parties appoint some Person to receive the whole or a competent Part of the Income producing the Borough Fund until such Interest, or until such Principal and Interest, (as the Case may be,) with all Costs (including the Charges of receiving the Income), be fully paid, and thenceforth all such Income, or such Part thereof as the Justices order, shall be paid to the Receiver so appointed, and the Money so paid shall be so much Money received to the Use of the Person on whose Behalf the Receiver is appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been fully paid, the Powers of the Receiver shall cease.

Accounts open to Mortgagees.

325. The Books of Account of the Corporation shall be open at all reasonable Times to the Inspection of the Mortgagees of the Corporation, with Liberty to take Extracts therefrom without Payment.

XXIII.—Byelaws.

Regulations as to Byelaws.

326. With respect to Byelaws to be made by the Corporation under this Act, the following Provisions shall take effect; (namely,)

(1.) Nothing in this Act shall authorize the Corporation to make any Byelaw repugnant to Law or to this Act:

(2.) All Byelaws shall be reduced into Writing, and be under the Common Seal of the Corporation:

(3.) The Corporation may by any Byelaw impose Penalties for Offences against the same not exceeding in respect of any Offence Five Pounds, so that all Byelaws be so framed as to allow of Part only of the maximum Penalty being inflicted:

(4.) Penalties under Byelaws shall be recoverable as Penalties under this Act are recoverable:

(5.) Any Byelaw shall not take effect until it is allowed by One of Her Majesty's Principal Secretaries of State (who may allow or disallow the same as he thinks proper), and any such Byelaw

Byelaw shall not be allowed unless Notice of Intention to apply for Allowance of the same is given by Placards posted in some public Places not less than One Month before the making of such Application, and for One Month at least before such Application a Copy of the proposed Byelaw shall be kept at the Town Hall, and be open during Office Hours thereat to the Inspection of the Ratepayers of the Borough without Payment, and the Town Clerk shall furnish a Copy thereof, or of any Part thereof, to every Ratepayer applying for the same, on Payment of Sixpence for every Hundred Words in such Copy, or if the proposed Byelaw has been printed by the Corporation then at such reasonable Price, not exceeding Twopence for each Copy, as the Corporation direct:

(6.) All Byelaws, when allowed, shall be printed, with the Date at which they are made, and the Town Clerk shall keep a printed Copy thereof at the Town Hall, and all Persons may at all reasonable Times inspect such Copy without Payment, and the Corporation shall cause to be delivered a printed Copy, signed by the Town Clerk, of all Byelaws for the Time being in force to every Person applying for the same, on Payment by him of any Sum not exceeding Sixpence for every such Copy, and a printed Copy, signed by the Town Clerk, of the Byelaws for the Time being in force relative to any particular Subject to every Person applying for the same, on Payment by him of any Sum not exceeding Threepence for every such Copy:

(7.) Proper Extracts from the Byelaws painted or placed on Boards may be set up and kept exhibited in Places to which such Extracts relate, or in such conspicuous or suitable Places as the Corporation think fit:

(8.) A printed Copy of Byelaws dated and purporting to be allowed as aforesaid, and to be signed by the Town Clerk, shall be Evidence of the Existence and of the due making and Allowance of such Byelaws, without Proof of the Signature of the Town Clerk.

Existing Byelaws continued for a Time.

327. Any Byelaws made under any Enactment repealed by this Act shall remain in force for Six Months after the Commencement of this Act, if not sooner repealed by any Byelaw made under this Act, but no longer.

XXIV.—Settlement of Disputes.—Arbitration.

Settlement of Disputes as to Compensation, &c.

328. Where any Compensation, Damages, Costs, Charges, or Expenses is or are by this Act directed to be paid, and the Method of

of ascertaining the Amount thereof is not provided for, such Amount shall, in case of Dispute, be ascertained and determined by Two Justices not being Members of the Council, and such Justices may take the Advice of any Surveyor or Architect, or other Person skilled in the Matter; and where the Mode of Recovery of any Compensation, Damages, Costs, Charges, or Expenses is not provided for, the same shall be recovered before Two Justices not being Members of the Council, and in either Case any Justice, upon the Application of either Party, may summon the other Party and any Witness to appear before Two Justices at a Time and Place to be named in such Summons; and on the Appearance of the Parties, or in the Absence of either of them on Proof of due Service of the Summons, such Two Justices shall hear and determine the Matter, and shall award such Sum and make such Order as to the Matter in dispute, or otherwise, as they think just; and if the Amount awarded or ordered by them to be paid is not paid by the Person liable to pay the same within Fourteen Days after Demand, such Amount may be recovered by Distress and Sale of the Goods and Chattels of such Person, and such Justices or either of them, or any other Justice, may issue his Warrant accordingly, or the Amount may be recovered in any Court of competent Jurisdiction.

Mode of Arbitration.

329. The Sections Twenty-five to Thirty-seven inclusive of the Lands Clauses Consolidation Act, 1845, (incorporated with this Act,) shall apply for the Determination of any Question directed by this Act to be determined by Arbitration.

XXV.—Appeal to Quarter Sessions.

Appeal in Cases of summary Conviction against Orders of Justices or against Rates, &c.

330. In any of the following Cases, (namely,)

(1.) Where on any summary Conviction or Adjudication under this Act in respect of an Offence punishable by pecuniary Penalty or by Imprisonment the Penalty adjudged to be paid (inclusive of any Costs) exceeds Three Pounds, or the Term of Imprisonment adjudged exceeds One Month, or the Conviction or Adjudication is had before or made by One Justice only;

(2.) Where any Adjudication under this Act other than such an Adjudication as aforesaid, or any Order or Determination under this Act, is made by any Justice or Justices, or any Order or Determination is made by the Council;

(3.) Where any Rate is made by the Council, but in Cases where Application for Relief is authorized to be made to the Council then only after such Application;

Any Person who thinks himself aggrieved by such Conviction, Adjudication, Order, or Determination, or by any Rate or anything

included in or omitted from any Rate, may appeal to the next Court of Quarter Sessions holden not less than Twenty-one Days after the Day whereon such Conviction, Adjudication, Order, Determination, or Rate is made, subject and according to the following Provisions; (that is to say,)

(1.) Within Seven Days after the last-mentioned Day, and Twelve clear Days at least before such Sessions, the Appellant may give Notice in Writing of the Appeal and of the Matter and Ground thereof to the Complainant or the Party in whose Favour the Adjudication, Order, or Determination is made, or whose Interest is immediately affected thereby (as the Case may be), and also in case of an Appeal against a Rate to the Council:

(2.) Within Three Days after giving such Notice the Appellant may enter into a Recognizance, with Two sufficient Sureties, before a Justice in such Sum as the Justice thinks fit conditioned to try the Appeal, and abide the Judgment of the Court thereon, and pay any Costs awarded by the Court, and in case he is in Custody to appear personally at the Sessions; or

(3.) Where the Appeal is against a Conviction imposing only a pecuniary Penalty, or against an Adjudication for the Payment of Money, the Appellant may deposit with the Clerk of the Justice before or by whom the Conviction or Adjudication is had or made such Sum of Money as the Justice thinks sufficient to cover the Amount of the Penalty or Money adjudged to be paid, with the Costs of the Conviction or Adjudication and of the Appeal:

(4.) On such Notice being given, and such Recognizance being entered into, or such Deposit being made, the Appellant shall be liberated, if in Custody:

(5.) The Court of Quarter Sessions, on Proof of such Notice and Recognizance or Deposit, may in a summary Way hear and determine the Appeal, or (if they think fit) adjourn the Hearing thereof to a subsequent Session:

(6.) The Court, by their Order on the Appeal, may affirm or quash the Conviction, Adjudication, Order, or Determination appealed against, or may mitigate any Forfeiture or Penalty, or may order any Money paid or levied to be returned, or may dismiss the Appeal, or make such other Order therein, with or without Costs to either Party, as seems just, and may (if necessary) issue Process for enforcing their Judgment:

(7.) Where any such Deposit as aforesaid is made, and the Conviction or Adjudication is affirmed, or the Appeal is dismissed, the Court may order the Amount of the Penalty or other Money

Money adjudged to be paid, together with the Costs of the Conviction or Adjudication and of the Appeal, to be paid out of the Deposit, and the Residue thereof, if any, to be returned to the Appellant, and in any other Case shall order the Deposit to be returned to the Appellant:

(8.) Where on Appeal a Conviction is quashed, the proper Officer shall forthwith endorse on the Conviction a Memorandum that it has been so quashed; and wherever any Copy or Certificate of such Conviction is made, a Copy of the Memorandum shall be added thereto, which shall be sufficient Evidence of the Conviction having been quashed in all Cases where a Copy or Certificate would be sufficient Evidence of the Conviction:

(9.) In an Appeal against a Rate the Court by their Order may affirm the Rate, or may amend the Rate, or may give Relief to any Person rated, by inserting therein or striking out therefrom any Name, or altering any Sum therein, without quashing the Rate, or may quash the Rate and order a new Rate to be made; and in any such Appeal the Court shall have the like Power of awarding Costs to be paid by or to any Party, and of compelling Payment thereof, as they for the Time being have for awarding and compelling Payment of Costs in an Appeal against a Rate for the Relief of the Poor.

Appeal Provisions to apply to Corporation.

331. The foregoing Provision relative to Appeal shall extend and apply to the Corporation when they think themselves aggrieved by any such Conviction, Adjudication, Order, or Determination as aforesaid under this Act, and shall extend and apply to the Corporation when Appellants, save only that it shall not be requisite for the Corporation to enter into any Recognizance or make any Deposit of Money.

XXVI.—Miscellaneous Provisions.

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

332. Except as by this Act provided, all the Provisions of the Act of the Session of the Eleventh and Twelfth Years of Her Majesty (Chapter Forty-three), "to facilitate the Performance of the "Duties of the Justices of the Peace out of Sessions within *England* "and *Wales* with respect to summary Convictions and Orders," and of any Act for the Time being in force amending or substituted for the same relating to Proceedings for the Recovery of Penalties by summary Conviction, and to Appeals against such Convictions, and the levying and enforcing of Penalties, and all subsequent Proceedings which may be taken on Nonpayment thereof, or, in default of Distress, including the Commitment to Prison of the Defaulter, and enforcing Payment of Sums of Money ordered or awarded to be paid by Justices,

and

and the Costs of such Proceedings, shall be applied and put in force in relation to the Penalties by this Act imposed.

Punishment of Abettors, &c.

333. Where the doing of any Act or Thing is made punishable by this Act, or by any Byelaw thereunder, the causing, procuring, aiding, abetting, or wilfully permitting or suffering such Act or Thing to be done shall be punishable in like Manner, if the Nature of the Case permits, and if an Intention to the contrary does not appear in this Act.

Penalties on Repetition of Offences.

334. Where by this Act any pecuniary Penalty or other Punishment is imposed in respect of any Offence described in this Act, then and in every such Case, if the Nature of the Case permits, and if an Intention to the contrary does not appear in this Act, such Penalty or Punishment may be inflicted for every Repetition of such Offence.

Proceedings when Offender refuses to state his Name.

335. If any Person charged with any Offence against this Act, or any Byelaw thereunder, refuses to disclose his Name, all the necessary Proceedings may be had and carried on against him for the Recovery of any Penalty, Forfeiture, or Damage imposed or incurred by the Description of his Person and of the Offence committed, without stating his Name, or if One only of his Names is known, all such necessary Proceedings may be had and carried on against him by such Name only.

Evidence of previous Conviction.

336. The Justice before whom any Person is convicted of any Offence may transmit the Conviction to the next Court of Quarter Sessions, there to be kept by the proper Officer among the Records of the Court, and on the Prosecution of any Person for any subsequent Offence a Copy of such Conviction certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and such Conviction shall be presumed not to have been quashed on Appeal until the contrary is shown.

Damages and Charges in Cases of Dispute to be settled by Justices.

337. Where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, may be settled and determined by the Justice before whom any Offender is convicted, and may be levied by Distress.

Saving for Indictments, &c.

338. Nothing in this Act shall protect any Person from being proceeded against by way of Indictment in respect of any Matter by this Act made punishable on summary Proceedings, or shall relieve any

any Person in respect of any such Matter from any penal or other Consequence to which he would have been liable if such Matter had not been made punishable by this Act.

Extent to which Occupier liable in default of Owner.

339. Where, under the Provisions of this Act, any Money is, in default of Payment thereof by the Owner of any Building or Lands, recoverable from the Occupier thereof, the Occupier shall be liable from Time to Time to the Extent of the Amount of the Rent for the Time being due from him to such Owner, or of the Proportion of Rent in respect of any current Period (the Burden of proving which Amount shall be on the Occupier), but only as from the Service on the Occupier of a Demand of Payment of Rent to the Corporation, and Notice not to pay the same to the Owner, and every such Occupier shall be entitled to deduct any Money paid by him (together with all Costs, Charges, and Expenses incurred by him in respect of the Payment thereof to the Corporation, or in respect of the Recovery thereof by the Corporation,) out of the Rent due or becoming due from him to such Owner.

Regulations as to Distress.

340. With respect to Distress, the following Provisions shall take effect; (namely,)

(1.) Any Number of Names and Sums may be included in any Warrant of Distress obtained by the Corporation for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or in a Schedule thereto:

(2.) Any Justice who issues a Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Sum or Sums for which the Distress is ordered be paid by the Person or Persons liable to pay such Sum or Sums, and such Costs shall be ascertained, and where there are more Persons than One shall be apportioned, by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Sum or Sums:

(3.) Every Constable shall, upon being required by a Collector or other Officer of the Corporation, aid in making a Distress or Sale pursuant to any such Warrant, and in default of so doing shall be liable to a Penalty not exceeding Five Pounds:

(4.) Any Distress under this Act shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on the Ground of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress.

Power to order Prosecutions, &c.

341. The Corporation may direct any Prosecution or Proceeding against any Person for any Offence against this Act, or any Matter arising under this Act.

Application of Penalties in certain Cases.

342. Nothing in this Act shall alter the Application of Penalties or Forfeitures to the Police Superannuation Fund as provided by the Act of the Session of the Twenty-second and Twenty-third Years of Her Majesty, Chapter Thirty-two, or of Fines and Penalties made payable to Her Majesty in right of Her Crown or Duchy of *Lancaster*.

Application of Penalties inflicted on Corporation.

343. Where any Penalty or Forfeiture is inflicted on the Corporation, the Amount thereof shall (except where otherwise provided), or ordered by the Justice or Justices before whom the same is recovered, be paid to the Overseers of the Poor of the Township of *Oldham*.

Proceedings not to be quashed for Want of Form or Removal by Certiorari.

344. Any Order, Verdict, Rate, Assessment, Judgment, Conviction, or any Proceeding touching or concerning any Offence against this Act, or against any Byelaw thereunder, shall not be quashed or vacated for Want of Form only, or be removable by Certiorari or otherwise into any of the Superior Courts.

Validity of Warrants of Commitment.

345. A Warrant of Commitment on any Conviction shall not be held void by reason of any Defect therein if it is therein alleged that the Person therein named has been convicted, and there is a good Conviction to sustain the same.

Justices, &c. not disqualified from acting.

346. Except as expressly otherwise provided, any Person shall not be disqualified or disabled to act as Justice of the Peace, Coroner, Juror, or otherwise in any Matter arising under or in relation to this Act by reason of his being a Ratepayer in the Borough, or liable to any Payments under this Act, or a Member of the Council or of any Committee thereof.

Persons entering into Contracts with Corporation not disqualified as Members of Corporation.

347. Any Person entering into any Contract with the Corporation for a Supply of Gas or Water, or for a Gas or Water Meter, shall not thereby be disabled from being, continuing, or acting as Mayor, Alderman, or Councillor of the Borough, or as an Officer or Servant of the Corporation, or incur any Penalty by reason of such Contract, or of his being, continuing, or acting as such Mayor, Alderman, Councillor, Officer, or Servant.

348. Until

Validity of Meetings of Council, &c.

348. Until the contrary is proved, every Meeting of the Council or of any Committee of the Council shall be deemed to have been duly convened and held, and all Members attending such Meeting shall be deemed to have been duly qualified.

Continuance of and Power to appoint Officers and Servants.

349. All the Officers and Servants of the Corporation in Office at the Commencement of this Act shall continue to be the Officers and Servants of the Corporation according to the Nature and Tenure of their Appointments and Employments respectively, and the Corporation may from Time to Time appoint such Officers and Servants for the Execution of this Act, and take such Security for the Performance of their Duties, as the Corporation think proper, (including, if the Corporation think fit, in lieu of or in addition to any other Security, the Security of any Guarantee Society established by Charter or Act of Parliament, with Power to the Corporation, if they think fit, to pay any Premium or other Money requisite for keeping up any such Security,) and the Corporation may from Time to Time remove or suspend any of them as the Corporation see Occasion, and pay and make such Salaries, Wages, and other Allowances to them, and to any Person assisting the Corporation in the Execution of this Act, as the Corporation deem reasonable, and, *mutatis mutandis*, all such Officers and Servants shall be accountable to the Corporation, and the Corporation shall have the like Remedies against them in relation to Accounts, Vouchers, Bills, Payments, Books, Papers, and Writings as if they had been appointed by virtue and for the Purposes of the Municipal Corporation Acts.

Penalty on Officer or Servant taking unauthorized Fees.

350. If any such Officer or Servant demands or takes on account of anything done by virtue of his Office, or for forbearing to do anything that ought to be so done, or on any other Account relative to his Duty, any Fee or Reward whatsoever other than the Salary or Allowances allowed by the Corporation, or is in anywise concerned or interested in any Bargain or Contract made by the Corporation, he shall be liable to a Penalty not exceeding Fifty Pounds.

Accounts of Receipts, &c.

351. The Provisions of the Municipal Corporation Acts relative to the keeping of Accounts and to the Accounts kept of Sums of Money received and paid under those Acts, and to the auditing thereof, shall extend and apply to the keeping of Accounts, and to the Accounts kept of Sums of Money received and paid under this Act, and to the auditing thereof.

Power to contract for Works.

352. The Corporation from Time to Time may contract with any Person for performing or doing any of the Works or Things by this Act authorized, and all such Contracts shall be in Writing, sealed with

with the Common Seal of the Corporation, and signed by the Person contracting, and shall specify the Works and Things so to be done, and the Prices at and the Times within which they are to be done, and the Corporation may take such Bond or other Security from every Contractor for the due Performance of his Contract as they think sufficient.

Power to compound with Contractors.

353. The Corporation may from Time to Time compound with any Person having entered into any Contract with the Corporation under this Act for any Penalty contained in such Contract, or in any Bond or other Security for the Performance thereof, or on account of any Breach or Nonperformance of such Contract, Bond, or Security, for such Sum of Money or other Recompense as the Corporation think proper.

Penalty for obstructing Persons employed in execution of Act.

354. If any Person obstructs, assaults, hinders, or molests any Member of the Council, or any Officer or Servant of the Corporation acting under this Act or any Byelaw thereunder, in the Execution of his Duty, or in the Execution of any of the Powers, Authorities, Works, Matters, or Things to be exercised or done under this Act or any such Byelaw, he shall be liable to a Penalty not exceeding Five Pounds.

Penalty on pulling down Notice Boards.

355. If any Person destroys, pulls down, injures, or defaces any Placard or Notice issued and put up by or under the Direction of the Corporation, or any Notice of the Position of a Fireplug, or any Board provided by the Corporation on which any Byelaw or Part of a Byelaw of the Corporation is painted or placed, he shall be liable to a Penalty not exceeding Five Pounds.

Penalty on Occupier refusing to give Name of Owner.

356. If on Request made on behalf of the Corporation the Occupier of any Property refuses or wilfully omits to disclose or wilfully misstates the Name of the Owner of such Property, any Justice may summon such Occupier to appear at the Time and Place mentioned in such Summons before such Justice, or before some other Justice, and if such Occupier refuses or neglects to attend at the Time and Place mentioned in the Summons, or if he attends and does not show good Cause or Excuse to the Justice for his Refusal, Omission, or Misstatement, such Justice may, on Proof (in case of the Neglect or Refusal to attend as aforesaid) of the due Service of the Summons, or on such Attendance, impose a Penalty upon such Occupier not exceeding Five Pounds.

Form and Service of Notices, &c. by Corporation.

357. Any Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument made, given, delivered, or served under this

this or any other Act or any Byelaw by the Corporation may be either in Print or in Writing, or partly in Print and partly in Writing, and shall be sufficiently authenticated by the Name of the Town Clerk, or of the Surveyor or other proper Officer, according to the Subject of the particular Document, being affixed thereto in Print or Writing on behalf of the Corporation; and it shall be sufficient in all Cases where any such Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument is required to be given to or served upon the Owner or Occupier of any Property to address such Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument to such Owner or Occupier by his Description as Owner or Occupier (as the Case may be) of the Premises (naming them) in respect of which the Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument is given or served, without further Name or Description; and any such Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument may be served upon any Owner, Occupier, or other Person either personally or by sending the same through the Post in a registered Letter addressed to him by Name at his last known Place of Abode or Business, or by delivering the same to some Inmate at his last known or usual Place of Abode or Business, or, in case of an Occupier, to any Inmate of the Building in respect of which such Notice, Order, Resolution, Declaration, Requisition, Demand, or Instrument is given or served; or if the Building is unoccupied, and the Place of Abode of the Person to be served is unknown, it shall be sufficient to affix such Notice, Order, Resolution, Declaration, Requisition, Demand, or Instrument, or a Copy thereof, upon some conspicuous Part of such Building.

Service of Notice on Corporation.

358. Any Notice to or Demand on the Corporation under this Act may be served on the Corporation by being delivered to the Town Clerk, or by being sent through the Post in a registered Letter directed to the Town Clerk, in which latter Case Service shall be deemed to be effected on the Corporation on the Day on which such Letter would be delivered in the ordinary Course of Post.

Books and Papers of Corporation on Death of Officers, &c.

359. In case of the Death of any Officer or Servant of the Corporation, or of his becoming bankrupt before he has delivered up all Books, Papers, Writings, and other Things concerning his Office or Employment, or relating to the Execution of this Act, no Interest whatever in such Books, Papers, Writings, and Things, or any of them, shall pass to or vest in his Representatives or Assignees, as the Case may be.

Proof of Debt in Bankruptcy.

360. If any Person against whom the Corporation have any Claim or Demand becomes bankrupt, the Town Clerk in all Pro-

ceedings in relation to the Estate of such Bankrupt may represent the Corporation, and act in their Behalf in all respects as if such Claim or Demand had been the Claim or Demand of the Town Clerk and not of the Corporation.

Plaintiff not to recover without Notice or after Tender of Amends.

361. A Plaintiff shall not recover in any Action to be commenced against the Corporation, or any Officer of the Corporation, or other Person aiding or assisting them or him, for anything done or intended to be done in pursuance or under the Authority of this Act if Tender of sufficient Amends has been made to him or to his Attorney by or on behalf of the Defendant before the commencing of such Action; and in case no such Tender has been made, the Defendant in any such Action may by Leave of the Court, after Action brought, at any Time before Issue joined, pay into Court such Sum of Money as he thinks fit, whereupon such Proceeding, Order, and Judgment shall be had, made, and given in and by such Court as in Actions where the Defendant is allowed to pay Money into Court.

Forms in Schedule authorized.

362. The Forms given in the Fifth Schedule to this Act may be used for or in respect of the Purposes therein indicated, with such Variations and Additions as Circumstances may require.

Corporation to keep distinct Accounts.

363. The Corporation shall keep distinct Accounts in respect of the following Matters; (namely,)

Gas and Water:
Parks:
Markets and Fairs:
Baths and Wash-houses.

Savings from effect of Repeals, &c.

364. Notwithstanding any Repeal or other Thing in this Act contained,—

(1.) The Corporation shall continue and be seised, possessed of, and entitled to all Rights, Interests, and Property of or to which they are at the Commencement of this Act seised, possessed, or entitled as if this Act had not been passed:

(2.) All Acts, Matters, and Things before the Commencement of this Act done under the Powers and Authorities of the Acts by this Act wholly or partially repealed, or made to cease to apply to the Borough, or any of them, or under the said Resolution of the 28th Day of *August* 1863, or any Act therein mentioned, or under "The Public Works (Manufacturing Districts) Act, 1863," or under any other Act or Authority, and which are at the Commencement of this Act good, valid, and available, and all Conveyances, Leases, Mortgages, Bonds, Covenants, Deeds, Instruments, Contracts,

Contracts, Agreements, Obligations, Rights, and Remedies at the Commencement of this Act existing under the same, shall be and continue as good, valid, and available for all Purposes and for and against all Parties as if this Act had not been passed:

(3.) All Actions, Suits, Prosecutions, or other Proceedings by or against the Corporation by reason of any Matter or Thing done before the Commencement of this Act in execution of or in relation to the said Acts or any of them, or the said Resolution, may be continued, commenced, or prosecuted by or against the Corporation as if this Act had not been passed:

(4.) The Sinking Fund for the Redemption of Mortgages appropriated and accumulated under the *Oldham* Corporation Gas and Water Act, 1855, as existing at the Commencement of this Act, shall be kept standing to a separate Account; and the Corporation shall continue to appropriate and set apart every Year as a Sinking Fund for that Purpose One Thirtieth Part of the Sums borrowed under that Act as if this Act had not been passed; and the said Sinking Fund as existing at the Commencement of this Act, and as thereafter continued, shall be applied as if this Act had not been passed:

(5.) All Mortgages and other Securities granted under any Act repealed by this Act may be transferred as if this Act had not been passed, and the Form of Transfer given in the Fifth Schedule to this Act may be used for that Purpose, with such Variations as Circumstances may require:

(6.) All Rates and Rents at the Commencement of this Act due or accruing due to the Corporation may from and after the Commencement of this Act be collected and recovered by the Corporation as if this Act had not been passed:

(7.) All Books and Documents shall be receivable in Evidence as if this Act had not been passed.

Saving Rights of Her Majesty.

365. Nothing in this Act shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, in right of the Crown, or in right of the Duchy of *Lancaster*.

Saving for general Rights and Remedies of Corporation.

366. Nothing in this Act shall take away or abridge any Right, Power, or Authority which the Corporation have or may enjoy under the Municipal Corporation Acts, or otherwise independently of this Act.

367. All

Expenses of Act.

367. All the Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be borne by the Corporation, and shall be paid by them out of the Borough Fund.

The

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

GAS and WATER ACTS REPEALED, except as to Parts in Second Schedule.

6 Geo. IV. c. clxxi.—" An Act for lighting with Gas the Town of Oldham " and the Neighbourhood thereof within the Parish of Prestwich-cum-Oldham " in the County Palatine of Lancaster, and for the better supplying the " Inhabitants of the said Town and Neighbourhood with Water."

1 & 2 Vict. c. xcvi.—" An Act for enlarging and extending the Powers and " altering and amending the Provisions of an Act passed in the Sixth Year of " the Reign of King George the Fourth, intituled 'An Act for lighting " ' with Gas the Town of Oldham and the Neighbourhood thereof within " ' the Parish of Prestwich-cum-Oldham in the County Palatine of Lancaster, " ' and for the better supplying the Inhabitants of the said Town and Neigh- " ' bourhood with Water.' "

16 & 17 Vict. c. xlii.—" The Oldham Corporation Gas and Water Act, 1853."

18 & 19 Vict. c. xlvii.—" The Oldham Corporation Gas and Water Act, 1855."

THE SECOND SCHEDULE.

PARTS of GAS and WATER ACTS remaining UNREPEALED.

6 Geo. IV. Chap. 171. (Local.)

When Company may take Water from any Stream, &c. flowing into the River Medlock.

Section 92. And whereas the Company of Proprietors of the Manchester and Salford Waterworks have for some Time past been accustomed to take from the River Medlock Eight hundred thousand Gallons of Water per Diem or thereabouts for the Use of their said Waterworks; and for preventing any Disputes between the said Oldham Gaslight and Waterworks Company and the said Company of Proprietors of the Manchester and Salford Waterworks, and the Owners or Occupiers for the Time being of Mills or Manufactories on the said River Medlock, or any of them, respecting their Rights and Interest, be it further enacted, That when there shall flow down the Course of the said River Medlock at Beswick in the said County of Lancaster the Quantity of Eight hundred thousand Ale Gallons of Water per Diem for the Use of the Company

of Proprietors of the Manchester and Salford Waterworks, over and above what may be necessary for the ample Supply of the several Mills, Manufactories, and Wórks upon or lawfully supplied by the Water of the said River Medlock, it shall be lawful and competent for the said Oldham Gaslight and Waterworks Company to take from any Brook, Spring, Stream, Rivulet, or Source (the Waters whereof now flow into the said River Medlock) into any Reservoir or Reservoirs to be erected and made by the said Oldham Gaslight and Waterworks Company above Waterhead Mill in the Township of Oldham aforesaid such Quantity of the surplus Water as the said Oldham Gaslight and Waterworks Company, their Successors or Assigns, may find requisite for the Supply of the said Town of Oldham and the Neighbourhood thereof within the Township of Oldham aforesaid; and that when there shall not flow down the Course of the said River Medlock aforesaid an ample Supply of Water for the several Mills, Manufactories, and Works upon or lawfully supplied by the Water of the said River Medlock, and the Quantity of Eight hundred thousand Ale Gallons of Water per Diem for the Use of the said Company of Proprietors of the Manchester and Salford Waterworks, it shall not be lawful for the said Oldham Gaslight and Waterworks Company, their Successors or Assigns, to take any Water whatever from any Brook, Spring, Stream, Rivulet, or Source which flows into the said River Medlock aforesaid.

One Engineer to be appointed by the Manchester and Salford Waterworks Company, and another by the Oldham Gaslight and Waterworks Company, who are to determine where Gauges are to be placed.

Section 93. And for the more effectually preventing the said Oldham Gaslight and Waterworks Company, their Successors or Assigns, from taking or diverting any Water from the said Reservoir or Reservoirs so to be erected as aforesaid, or from any Brook, Stream, Spring, or Rivulet the Waters of which now flow into the said River Medlock, unless at such Time or Times when there shall be a Supply of Eight hundred thousand Ale Gallons of Water per Diem at Beswick aforesaid for the Use of the said Company of Proprietors of the Manchester and Salford Waterworks, and an ample Supply of Water for the several Mills, Manufactories, and other Works upon or lawfully supplied by the Water of the said River Medlock, it is further enacted, That Nicholas Brown of Wakefield in the County of York, Civil Engineer, on the Part and Behalf of the said Company of Proprietors of the Manchester and Salford Waterworks, and William Johnson of Manchester in the County of Lancaster, Civil Engineer, on the Part and Behalf of the said Oldham Gaslight and Waterworks Company, shall and they are hereby appointed Engineers, and are hereby required to ascertain and determine, by their Award in Writing under their Hands and Seals, with proper Plans and Sections to be thereto annexed, the Place or Places where a proper Gauge or Gauges, Wear or Wears, shall be placed at or near to the said proposed Reservoirs, and the Plan, Situation, Nature, Construction, Dimensions, and Levels of such Gauge or Gauges, for the Purpose of preventing the said Oldham Gaslight and Waterworks Company taking any Water into the said Reservoirs so to be erected or made from any Brook, Stream, Spring, or Rivulet the Waters whereof flow into the said River Medlock, and also to ascertain and determine the Means of guarding and protecting such Gauge or Gauges; and within Thirty Days from the passing of this Act the said Two Engineers shall and they are hereby required to nominate and appoint some indifferent Person as Umpire to decide any Matter in difference which may arise between the said Two Engineers so appointed as aforesaid; and in case the said Two Engineers shall not within Nine Calendar Months from the passing of this Act agree touching the Plan,

Situation

Situation, Nature, Construction, Dimensions, and Levels of such Gauge or Gauges, Wear or Wears respectively, and the Means of protecting and guarding the same, then the said Umpire so to be appointed shall and he is hereby required to determine and settle the same within Three Calendar Months next after the Expiration of the said Nine Calendar Months.

In case of Death of Engineers so appointed.

Section 94. Provided also, and be it enacted, That in case at any Time or Times hereafter both or either of the Two Engineers so appointed as aforesaid shall die before making their Award, and before appointing a Third Engineer as aforesaid, Two other Engineers or One other Engineer, as the Case may happen, shall within Two Calendar Months thence following be appointed by the Parties or Party whose Engineers or Engineer shall so die as aforesaid; and from and after such new Appointment of Engineers or Engineer the Two Engineers shall have Six Calendar Months wherein to make their Award in the Premises, and Twenty-one Days from the Expiration of such Six Months to appoint a Third Engineer in manner aforesaid, and such Third Engineer shall have Three Calendar Months from the Time of his Appointment wherein to make his Award in the Premises, and the Award of such last-mentioned Two Engineers, or of such last-mentioned Third Engineer, as the Case may happen, shall be as binding and conclusive to all Intents and Purposes as if such Award had been duly made by the Two Engineers originally appointed, anything in this Act contained to the contrary thereof in anywise notwithstanding.

In case such Two Engineers shall neither agree nor appoint a third, or in case the third should die before making his Award.

Section 95. Provided also, and be it further enacted, That in any Event in which Two Engineers shall be appointed as aforesaid, in case such Two Engineers shall neither agree in any Award to be made in the Premises, nor in the Appointment of a Third Engineer within the Times herein-before appointed for such Purposes respectively, or in case the Third Engineer to be from Time to Time appointed by them shall die before making his Award, or shall refuse or neglect to make his Award within the Time herein-before in that Behalf mentioned, then and in every such Case the Matters and Things then remaining to be ascertained and determined by an Engineer to be appointed by the Chairman of the Salford Quarter Sessions for the Time being, who shall and is hereby required to appoint an Engineer for that Purpose by Writing under his Hand within the Space of Three Calendar Months from the Time when he shall be required so to do either by the said Company of Proprietors of the Manchester and Salford Waterworks, their Successors or Assigns, by Notice in Writing under their Common Seal; and the Award of every such Engineer so to be appointed as last aforesaid shall be as binding and conclusive to all Intents and Purposes as if such Award had been duly made by the Two Engineers originally appointed, or by a Third Engineer duly appointed by the Two Engineers originally appointed, anything in this Act contained to the contrary thereof in anywise notwithstanding.

The Company shall not take any Water until such Gauges are completed.

Section 96. Provided always, and be it further enacted, That the said Oldham Gaslight and Waterworks Company shall not be permitted to take any Water whatever from any Brook, Spring, Stream, Source, or Rivulet the Waters whereof flow into the said River Medlock until after such Gauge or Gauges, Wear or Wears, so to be ascertained and determined as aforesaid in the Manner directed by such Award as aforesaid, shall have been made, erected, built, fixed, set

set up, constructed, and completed, anything in this Act contained to the contrary in anywise notwithstanding.

Award to be enrolled.

Section 97. And be it further enacted, That every Award in Writing, with the Plans and Sections thereunto annexed, shall be fairly engrossed, written, and drawn on Parchment, and shall within Six Calendar Months after the Execution thereof, or so soon as conveniently may be, be enrolled in One of His Majesty's Courts of Record at Westminster, or with the Clerk of the Peace for the County Palatine of Lancaster, to the end that recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof no more than One Shilling shall be paid; and a Copy of the said Award, or any Part thereof, signed by the proper Officer of the Court wherein the same shall be enrolled, or by the Clerk of the Peace for the said County Palatine of Lancaster, or his Deputy, purporting to be a true Copy, shall from Time to Time be made and delivered by such Officer or Clerk of the Peace for the Time being as aforesaid to any Person requesting the same, for which no more shall be paid than Sixpence for every Sheet of Seventy-two Words; and the said Award and each Copy of the same or of any Part thereof, signed as aforesaid, shall at all Times be admitted and allowed in all Courts whatever as legal Evidence; and every such Award, and all Matters and Things therein contained, shall to all Intents and Purposes be binding and conclusive, except where some Proviso is herein contained to the contrary, unto and upon all Parties and Persons concerned or interested in the same.

Expenses of Engineers, &c. how to be paid.

Section 98. Provided always, and be it enacted, That all the Expenses of the said Engineers so appointed or to be appointed as aforesaid, and of the said Umpire so to be appointed, and of his or their Appointment, and also the Costs and Charges of making and enrolling their Award as aforesaid, and also the Expenses of making and constructing and afterwards in keeping in repair the Gauge or Gauges, Wear or Wears as aforesaid, shall be borne and paid by the said Oldham Gaslight and Waterworks Company.

Public Act.

Section 120. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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1 and 2 Victoria, Cap. 96. (Local.)

Gauges, &c. erected under former Act to be continued.

Section 55. Whereas Nicholas Brown and William Johnson, the Civil Engineers named in and appointed by the said recited Act, made their Award in Writing pursuant to the Provisions of the same Act, and directed that certain Gauges, Weirs, and Works therein particularly described should be erected and set up near to the said Reservoir, and which Gauges, Weirs, and Works have been erected and set up: Now be it enacted, That the said Award shall remain and be in force under this Act, and that the Gauges, Weirs, Feeders, Watercourses, and other Works appertaining thereto, and therein directed to be erected at or near or leading to the said Reservoir, and other the Provisions and Restrictions contained in the said Award, shall remain and be continued and in full Force and Effect under this Act, and that it shall not be lawful for the said Company to take any Water from the said Brooks, Springs,

or

or Streams called Counthill Brook, Leeming Brook, Roebuckloe Brook, Lower Brook, Top-of-Meadows, or Strine's Brook, save and except as in the recited Act and in the said Award and this Act, or some or One of them, is mentioned and directed.

For keeping Gauges and Works in repair.

Section 56. Provided always, and be it further enacted, That the said Oldham Gaslight and Waterworks Company shall and they are hereby required from Time to Time and at all Times hereafter to maintain and keep the several Gauges, Weirs, Feeders, Watercourses, and Works appertaining thereto, made or constructed or to be made or constructed by virtue or under the Provisions of this Act or the said recited Act, or by the said Award already made, or by any Award to be made in pursuance of this Act, in perfect and complete Repair to the Satisfaction of the Canal Surveyor for the Time being of the Devisees of the late Most Noble Francis Duke of Bridgewater deceased, their Heirs or Assigns, of the Company of Proprietors of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham, and of the Company of Proprietors of the Manchester and Salford Waterworks, and their respective Successors and Assigns, and of the Occupiers of Mills, Manufactories, and Works now or hereafter to be supplied or entitled to be supplied with Water from the River Medlock, or of the Inspector or Inspectors to be appointed by them in the Manner in this Act directed; and in case the same Gauges, Weirs, Feeders, Watercourses, and any Works appertaining thereto, or any of them, shall at any Time hereafter be in Want of Repair, and the said Devisees, their Heirs and Assigns, or either of the said Companies, or any such Inspector or Inspectors as aforesaid respectively, shall by themselves or their respective Agents give Notice in Writing to the said Oldham Gaslight and Waterworks Company of such Want of Repair, and if the said last-mentioned Company shall neglect immediately to commence such Repairs, and to proceed therein with all practicable Despatch until the same shall be completed, then the said Devisees of the said Duke of Bridgewater, their Heirs or Assigns, or either of the said Companies, or their or either of their Agents, or the said Inspectors or Inspector respectively, may cause such Gauges and Works to be put in perfect and complete Repair; and all the Costs, Charges, and Expenses of such Repairs shall be reimbursed by the said Oldham Gaslight and Waterworks Company to the said Devisees, their Heirs and Assigns, or either of the said Companies, or the said Inspectors or Inspector respectively by whom or at whose Instance the same Repairs have been carried into effect, upon Demand made thereof by the Agent of the said Devisees, or of either of the said Companies, or by the said Inspectors or Inspector, and in default of Payment thereof the same shall and may be recovered by the said Devisees, or either of the said Companies, or the said Inspectors or Inspector respectively incurring the same or causing the same to be incurred as aforesaid, by Action at Law in any of Her Majesty's Courts of Record at Westminster, with full Costs of Suit.

Power for Occupiers of Mills, &c. to appoint Inspectors.

Section 57. And be it further enacted, That it shall and may be lawful for the Occupiers of Mills and other Works supplied with Water from the said River Medlock at any Time or Times after the passing of this Act, at any Meeting or Meetings to be held in Manchester of the said Occupiers convened for that Purpose by Notice given by Three or more of such Occupiers of Mills or Works, published in One of the Manchester Newspapers, to nominate and appoint any fit and proper Person or Persons (not exceeding Three in the whole

at any One Time), One of whom shall also at the same or some subsequent Meeting to be convened as aforesaid be appointed to act as Treasurer of the Occupiers from Time to Time of Mills and other Works supplied as aforesaid, to inspect and examine the Works of the said Company with a view to protect the Occupiers of the Mills and other Works on the said River from any Abstraction of Water by the said Company or by any other Person from and out of the said River Medlock, or the Springs, Streams, or Rivulets now or hereafter flowing into the same (save and except as the same is authorized by the said Award and by this and the said recited Act, or any or either of them), and for other the Purposes in this Act directed and authorized to be done by the Treasurer for the Time being of the said Occupiers; and on such Appointment being made Notice thereof containing the Name or Names and Address of the Person or Persons so from Time to Time appointed shall be given to the said Company; and every Person so appointed as aforesaid shall have full Power and Authority at all Times to enter upon the Lands and Premises of the said Company, and to inspect and examine the State and Condition of the Gauges, Weirs, Reservoirs, Drains, Trenches, Embankments, and other Works of the said Company for the Purpose of ascertaining whether the Rights and Interests of the Occupiers of the Mills and other Works on the said River are duly protected, and the Provisions contained in this and the said recited Act and in the said Award or any of them in reference thereto are duly observed and complied with, and for such Purpose to use and adopt all such Means, by way of Experiment or otherwise, as may be necessary or expedient, but without Injury to the Works of the said Company; and if the said Company or any of their Agents or Servants shall wilfully hinder, prevent, or interrupt any such Inspector from entering upon their said Lands and Premises, or from inspecting and examining any of the said Gauges, Weirs, Reservoir, Drains, Trenches, Embankments, or other Works by such Means as he may judge necessary, not being injurious thereto, the said Company shall be liable to a Penalty of any Sum not exceeding Fifty Pounds for every such Offence, the same to be recovered by any such Inspector as aforesaid, or by any One of the said Occupiers of Mills or other Works, before any Two or more Justices of the Peace for the County of Lancaster within One Calendar Month from the Date of such Offence, and levied in default of Payment thereof in the Manner in which other Penalties are by this Act directed to be recovered; and the said Justices shall and may award such Part of the said Penalty to be paid to the Treasurer for the Time being of the said Occupiers as they may think proper for and towards the necessary Expenses of such Conviction and the Inspection herein-before authorized, and the Residue of the said Penalties shall be paid to the Overseers of the Poor of the Township of Oldham to be applied in aid of the Poor's Rates for the said Township.

Acts of Majority of Occupiers of Mills to bind all others.

Section 58. Provided always, and be it further enacted, That the Acts of the Majority in point of annual Value (such Value to be ascertained by Reference to the then last Assessments for the Poor's Rates for the respective Parishes, Townships, and Places in which such Mills, Manufactories, and Works are respectively situated) of Occupiers of Mills and Works supplied with Water from the River Medlock present at any Meeting held for any Purpose connected with and under the Provisions of this Act shall bind all the other Occupiers, and also the Owners of Mills and Works supplied or entitled to be

supplied

supplied with Water from the said River Medlock, and shall be valid and effectual for all Purposes.

Power to remove Inspectors.

Section 59. And be it further enacted, That the said Occupiers of Mills and other Works now or hereafter to be supplied with Water from the River Medlock, or any Three or more of them, shall have Power from Time to Time to remove any Inspector or Treasurer who may have been appointed by them or any of them, and at any Meeting or Meetings from Time to Time to be held and convened as aforesaid to nominate and appoint any other Inspector or Treasurer in the Stead of the Inspector or Treasurer to be so removed, who shall have the same Powers and Authorities as the Inspector or Treasurer so removed.

In case Occupiers of Mills, &c. neglect to appoint Inspectors.

Section 60. Provided always, and be it further enacted, That in case the said Occupiers of Mills, Manufactories, and Works on the said River Medlock shall neglect to appoint any Inspector or Inspectors or Treasurer as aforesaid, or the Inspectors or Treasurer cannot be found, and the said Oldham Gaslight and Waterworks Company shall be desirous to give or serve any Notice or other Proceeding on the said Inspector or Inspectors or Treasurer, then and in such Case Service of any such Notice or other Proceeding on any Three of the Occupiers of any such Mills, Manufactories, or Works (separately assessed to the Rates for the Relief of the Poor in the Parish, Township, or Place in which the same are situate in respect of Property of the annual Value of Five hundred Pounds or upwards,) shall, by delivering the same to them personally or by leaving the same at their respective Places of Abode, be deemed and taken to be good and sufficient Service of any such Notice or other Proceeding, and have the like Effect as if the same had been served on any such Inspector or Inspectors or Treasurer as in this Act directed.

Penalty on the Company for illegally taking Water.

Section 61. And be it further enacted, That if at any Time it shall appear that any Water from the said Brooks, Springs, or Streams called Counthill Brook, Leeming Brook, Roebuckloe Brook, Top-of-Meadows Brook, Strine's Brook, and Lower Brook, or any of them, or any other Brook, Spring, Stream, Rivulet, or Source now or heretofore flowing into the said River Medlock, or any of the Feeders thereof, is or has been penned or dammed up, collected, retained, taken, used, or in any Manner interfered with by the said Company, or permitted or suffered by them to flow or escape into any of their present or intended Reservoirs or Works, save and except such Water as the said Company at any Time since the passing of the said recited Act might lawfully have so penned or dammed up, collected, retained, used, or interfered with by virtue of and in accordance with the said recited Act and the said Award thereunder made, or are authorized or empowered to do by this Act, or any of them, then and in either and every of the said Cases the said Company shall be liable to and shall incur a Penalty of any Sum of Money not exceeding One hundred Pounds for every Day during which or any Part of which any such Water shall be so illegally penned or dammed up, collected, retained, taken, used, or in any Manner interfered with or affected, such Penalty to be recoverable for each and every separate Offence by the said Inspector or Inspectors for the Time being, or any of them, on Conviction before any Two or more Justices of the Peace for the County of Lancaster within Two Calendar Months from the Commission of any such Offence, and be recovered and applied in manner by this Act directed respecting

respecting the Recovery and Application of Penalties imposed on the said Company for the Interruption of the said Inspector or Inspectors in the Duties hereby authorized: Provided always, that the said Company shall not be liable to any such Penalty or Penalties in respect of the Escape of Water into any of their said Reservoirs or Works if it shall be satisfactorily proved before any such Justices that such Escape was occasioned by inevitable Accident, and not from any Neglect or Default on the Part of the said Company, and that due Diligence was observed by the said Company in preventing the Continuance of such Escape of Water after the same had been discovered by or made known to the said Company, or any of their Agents or Servants; and provided further, that the said Company shall not be liable to or incur any Penalty or Penalties under the Provision and Enactment herein-before contained in respect of any such Water other than and except the Water from the said Brooks, Springs, or Streams called Counthill, Leeming, Roebuckloe, Top-of-Meadows, Strine's, and Lower Brooks, or any of them, or any of the Feeders thereof, until after the Expiration of Three Years from the passing of this Act.

Penalty not to be recoverable until after Three Years from the passing of the Act.

Company to discharge annually 3,000,000 of Gallons of Water for the Use of the Works on the Medlock.

Section 62. And be it further enacted, That when and so soon as all or any of the Springs, Streams, Rivulets, or Waters which the said Company are by this Act authorized to take or use, or any Part thereof, shall be so taken or used, they the said Company shall and they are hereby required to discharge and deliver out of their said present Reservoir into the said River Medlock in each and every Year Three Millions of Gallons of Water, and to permit and suffer the same to flow down the Course of the said River Medlock at such Time or Times and in such Quantity as shall from Time to Time or at any Time be demanded in manner herein-after mentioned by the Company of Proprietors of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham, or by their Clerk, Treasurer, or principal Agent for the Time being, conjointly with the Devisees in Trust of the late Most Noble Francis Duke of Bridgewater deceased (or One of such Trustees, or their principal Agent for the Time being), and with the Treasurer and Inspectors for the Time being appointed as aforesaid of the Occupiers of Mills and other Works now or hereafter to be supplied or entitled to be supplied with Water from the said River Medlock, or by any Two of such Three Parties (the said Treasurer or One of the said Inspectors being always One of such Parties demanding); and provided also, that Three Millions of Gallons at the least, and no more, shall be so discharged and delivered into the said River Medlock, in pursuance of this Provision, in each and every Year, commencing on every the First Day of January, and terminating on every the Thirty-first Day of December; and provided further, that if the said Parties, or such Two of them as aforesaid, shall not jointly have demanded the full Quantity of Three Millions of Gallons before the First Day of December in each Year, then and in such Case any Two of such Three Parties may make such Demand or Demands from Time to Time, and such Demand or Demands shall be complied with by the said Company, as to the said Quantity of Three Millions, or so much thereof as may not have within the Year been delivered pursuant to a Demand or Demands as aforesaid: provided that if at the Time of any such Demand made there shall not be in the existing Reservoir Thirty-five Millions of Gallons of Water, then and in such Case it shall be lawful for the said Company to defer the Discharge and Delivery of the Water so demanded until some subsequent Demand shall be made, in accordance with the Provisions herein contained, by or on behalf of the Parties aforesaid; and if the said Company shall,

shall, at any Time when there shall be in the said Reservoir Thirty-five Millions of Gallons or upwards, neglect, refuse, or delay, after the Lapse of Twenty-four Hours after any such Demand as aforesaid, to discharge and deliver the Quantity of Water so demanded from and out of the said Reservoir into the said River Medlock in the Manner to be prescribed in the Award herein-after mentioned, such Quantity not exceeding, when added to that (if any) previously demanded and discharged during the same Year, the whole Quantity herein-before required to be annually discharged and delivered, then and so often as the same shall happen the said Company shall forfeit and pay for each such Default or Offence the Penalty or Sum of Fifty Pounds to the Company of Proprietors of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham, the like Penalty or Sum of Fifty Pounds to the Devisees in Trust of the late Most Noble Francis Duke of Bridgewater deceased, and the like Penalty or Sum of Fifty Pounds to the Treasurer for the Time being of the Occupiers of Mills and other Works now or hereafter supplied or entitled to be supplied with Water from the said River Medlock, and which said several Penalties or Sums, with full Costs, shall and may be levied and recovered for the Use of the said Three several Parties respectively by Distress and Sale of the Goods and Chattels of the said Oldham Gaslight and Waterworks Company by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of Lancaster acting within their Jurisdiction, and which Warrant such Justices are hereby empowered and required to grant upon Application made to them, or the said Penalties or Sums shall and may be recovered by Action of Debt or on the Case in any Court of Record, with full Costs of Suit.

Engineers to be appointed to determine how the aforesaid 3,000,000 of Gallons shall be discharged down the Medlock.

Section 63. And be it further enacted, That Three Engineers shall be nominated and appointed, One of them by the Company of Proprietors of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham (or their Clerk, Treasurer, or principal Agent for the Time being), conjointly with the Trust of the late Most Noble Francis Duke of Bridgewater deceased (or One of such Trustees, or their principal Agent for the Time being), and with the Treasurer for the Time being of the Occupiers of Mills and other Works now or hereafter to be supplied or entitled to be supplied with Water from the River Medlock, another of the said Engineers by the said Company, and the Third Engineer by the Two Engineers so to be appointed as aforesaid, before proceeding to act; and the said Three Engineers so appointed, or any Two of them (or One Engineer, if the said Company and the said other Parties appoint the same Person), as the Case may be, shall and they are hereby required, by their or his Award in Writing under their or his Hands and Seals or Hand and Seal, to ascertain and determine the Manner in which the aforesaid Quantity of Three Millions of Gallons of Water per Annum shall be measured and meted out and delivered into and to flow down the Course of the said River Medlock, and to specify the Place or Places where and in what Manner proper Gauges or other effectual Devices for measuring the same (and under what Regulations and Restrictions) shall be fixed and maintained by and at the Expense of the said Company at or near the said Reservoir, and the Plan, Situation, Nature, Construction, Dimensions, and Levels of such Gauges or other Devices and Works, and the Mode of adjusting the same and preserving the Accuracy thereof; and further, the said Engineers or Engineer (as the Case may be) shall by such their or his Award as aforesaid ascertain and determine the Nature and Construction of a Measure or Index or other effectual Device to be fixed and maintained by

and at the Expense of the said Company in the said Reservoir, which shall specify to the Eye at all Times the Quantity of Water contained in such Reservoir, and to award and determine whether as well any Gauge or Gauges or other Works to be made for the Purpose of complying with the Directions of the said Award, as also the Gauge already fixed at the South-easterly End or Corner of the said Reservoir, are or will be liable to Injury, Interruption, or Interference; and in case they shall award and determine that the Gauge or Gauges or other Works as aforesaid, then they are hereby required to direct, award, and determine in what Way and by what Means and under what Restrictions and Regulations the Gauge or Gauges or other Works as aforesaid may be best protected and rendered altogether or as much as possible free from Injury, Interruption, or Interference; and all Works which they shall so direct, award, or determine to be done for all or any of the aforesaid last-mentioned Purposes shall be completed and maintained by and at the Expense of the said Company with all practicable Despatch, and to the Satisfaction of some Person or Persons to be named in the said Award, which said Award shall be made and executed on or before the First Day of November in the Year of our Lord One thousand eight hundred and thirty-nine.

Engineers to be appointed within Twenty-one Days after Service of Notice from the one Party or the other.

Section 64. And be it further enacted, That after Notice in Writing from either the Clerk to the said Oldham Gaslight and Waterworks Company, or the Company of Proprietors of the Canal Navigation from Manchester to or near to Ashton-under-Lyne and Oldham, or their Clerk, Treasurer, or principal Agent for the Time being, conjointly with the Devisees in Trust of the late Most Noble Francis Duke of Bridgewater deceased, or One of such Trustees, or their principal Agent for the Time being, and the Treasurer of the said Occupiers respectively, to the other of them, specifying in such Notice the Christian and Surname and Designation of some Engineer, not being a Proprietor of Shares in the said Oldham Gaslight and Waterworks Company, or an Owner or Occupier of any Mill or Works now or hereafter to be supplied or entitled to be supplied with Water from the River Medlock, or a Proprietor or Shareholder in the said Canal, who shall have been appointed by the Parties on whose Behalf such Notice shall be given to act as Referee on their Behalf, the Party to whom such Notice shall be given shall, within Twenty-one Days after Service of such Notice, nominate and appoint some other Engineer, not being a Proprietor, Owner, or Occupier as aforesaid, to be Referee on their Behalf, and shall also, within such Period of Twenty-one Days, by their respective Clerks, Treasurer, Inspector, or principal Agent respectively, or by One of the said Devisees, give Notice in Writing of such Appointment, specifying the Christian and Surname and Designation of the Engineer so appointed, to the other of them, by leaving the same with the Clerk, Treasurer, or principal Agent of the said Parties respectively, or at their respective Places of Abode of the Treasurer or Inspector of the said Occupiers, and thereupon it shall be lawful for the said Two Engineers and they are hereby required, before they shall proceed to the Inquiry, to appoint by Writing under their Hands some Third Engineer, not being a Proprietor, Owner, or Occupier as aforesaid, to be and act as a Third Engineer; and it shall be lawful for such Engineers, or any Two of them, or for One Engineer alone (in case both Parties shall have appointed one and the same Person to be the Engineer for each of such Parties), to proceed to inquire into and determine the Matters hereinbefore mentioned; and the Award or Determination of such Three Engineers, or

or of any Two of them, or of such One Engineer alone (as the Case may be), shall be reduced into Writing, and signed by the Persons or Person making the same, and shall be delivered to the Clerk of the Peace for the County Palatine of Lancaster, and kept by him amongst the Records of the said County Palatine, and such Determination shall be final, binding, and conclusive; and in case any of the said Engineers who shall be so appointed shall die, or refuse to act, or become incapable of acting, before making their or his Award, then some other Engineer, not being interested as aforesaid, shall, within Fourteen Days after such Death, Refusal, or Incapacity shall be known, be nominated and appointed (by the Party or Parties by whom the Engineer so dying, refusing, or becoming so incapacitated was appointed) to be an Engineer in the Place or Stead of the Engineer so dying, refusing, or becoming incapacitated, and such new Engineer shall have and be invested with the same Powers in all respects as the Engineer in whose Place or Stead he shall be appointed had or was invested with; and in case the said Company or their Committee of Management, or the said other Parties respectively, shall refuse or neglect to make such Appointment of an Engineer, or to cause Notice to be given within Twenty-one Days after Service of such first-mentioned Notice, or within Fourteen Days after the Death, Refusal, or Disability to act of any Engineer appointed by them shall be known (as the Case may require), then and in any such Case it shall be lawful for the Engineer appointed by the other Party, and whose Name shall be specified in such Notice as aforesaid, alone to proceed in such Inquiry, and also alone to determine the Matters aforesaid, and also alone to sign such Determination, and to deliver the same as aforesaid, and such Determination shall be final, binding, and conclusive.

If Engineer die before the Matters are determined, Company to appoint another.

Section 65. Provided always, and be it further enacted, That in case the Matters aforesaid shall have been referred to One Engineer only, and such One Engineer shall die, refuse, or become incapable to act before the Matter of Reference shall be determined, then the said Company and the said other Parties shall again proceed de novo to the Appointment of Engineers in such and the same Manner as if no such Appointment or Proceedings had taken place.

Provisions respecting the Enrolment of Award, &c. in former Act to extend to this Act.

Section 66. Provided also, and be it further enacted, That the Provisions, Enactments, and Declarations in the said recited Act contained for the Enrolment of the Award, and the Payment of Expenses of the Reference and Award therein directed, shall extend to the Reference to Engineers and their or his Award hereby directed to be made as aforesaid.

By whom and when Demand to be delivered.

Section 67. And be it further enacted, That whenever the said Company are to be required in pursuance of this Act to discharge the said Three Millions of Gallons of Water, or any Part thereof, from and out of the said Reservoir into, and that the same may flow down the Course of, the said River Medlock, the Demand shall be in Writing, and may either be delivered personally to the Clerk or managing Agent for the Time being of the said Oldham Gas and Waterworks Company, or may be left at any Office of the said last-named Company: Provided always, that in case the said Demand in Writing be left at any Office of the said Company, the same shall be so left between the Hours of Six in the Morning and Six in the Evening on some Day in the Year, not being Sunday, Good Friday, or Christmas Day; and provided also, that such Demand in Writing shall be left or delivered as aforesaid Twenty-four Hours before

before the same is required to be acted upon, and also that such Demand in Writing shall be endorsed on the Outside thereof in legible Characters, "Order for Water for the Medlock."

Saving other Rights.

Section 83. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to alter, diminish, take away, or affect any of the Privileges, Rights, Powers, or Authorities of or vested in or belonging to the Company of Proprietors of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham, or to the Devisees in Trust of the late Most Noble Francis Duke of Bridgewater deceased, save as the same are hereby expressly altered, diminished, taken away, or affected.

Saving Rights of Manchester and Salford Waterworks Company.

Section 84. Provided also, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Company of Proprietors of the Manchester and Salford Waterworks in virtue of all or any of the following Acts; namely, an Act passed in the Forty-ninth Year of the Reign of His Majesty King George the Third, intituled "An Act for more "effectually supplying with Water the Inhabitants of the Towns of Manchester "and Salford in the Parish of Manchester in the County Palatine of Lancaster;" 49 G. 3. c. 192.
an Act passed in the Fifty-third Year of the Reign of His said Majesty, intituled "An Act for enlarging the Powers of an Act of His present Majesty, for "supplying with Water the Towns of Manchester and Salford in the County "Palatine of Lancaster;" 53 G. 3. c. 20.
an Act passed in the Fifty-sixth Year of the Reign of His said Majesty, intituled "An Act for altering, amending, and extending "the Powers of Two Acts of His present Majesty's Reign, for supplying with "Water the Inhabitants of the Towns of Manchester and Salford in the Parish "of Manchester in the County Palatine of Lancaster;" 56 G. 3. c. 12.
an Act passed in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled "An Act to alter and amend several Acts passed for more "effectually supplying with Water the Inhabitants of the Towns of Manchester "and Salford in the Parish of Manchester in the County Palatine of Lancaster, "and for extending the Powers and Provisions of the said Acts;" 1 & 2 G. 4. c. 47.
and an Act passed in the Fourth Year of His late Majesty King George the Fourth, intituled "An Act to alter, amend, and enlarge the Powers of the several Acts "passed for more effectually supplying with Water the Inhabitants of the Towns "of Manchester and Salford in the Parish of Manchester in the County Palatine "of Lancaster." 4 G. 4. c. 115.

Public Act.

Section 85. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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16 and 17 Victoria, Cap. 42. (Local.)

Borough Fund charged with Annuities for Shareholders of Company.

Section 21. That from the Commencement of this Act the Corporate Estates and Borough Fund of the Borough of Oldham (including therein the Property hereby transferred, and the Receipts from Time to Time accruing from and in respect of such Property, and the Monies which from Time to Time shall come into the Hands of the Treasurer of the Borough from and in respect of any Borough

Borough Rate or Rates which may be levied and collected within the Borough), in consideration of the Transfer to the Corporation of the Property of the Company, are charged with the Payment to the Shareholders in the Company, their Successors, Executors, Administrators, and Assigns, of Ten thousand perpetual Annuities of One Pound each, making an aggregate perpetual yearly Sum of Ten thousand Pounds.

Priority of Charge of Annuities on Borough Fund.

Section 22. That the Annuities shall be the First Charge on the Corporate Estates and Borough Fund next after all Principal Monies and Interest or Annuities (if any) subsisting as Charges thereon at the passing of this Act.

Annuities to vest in those Shareholders in the Proportion of 1*l.* for every 10*l.* Share.

Section 23. That on the Commencement of this Act the Annuities shall vest in and belong to the several Parties who on the Commencement of this Act are Shareholders in the Company, and shall vest in and belong to them respectively in the Proportion of One Annuity of One Pound for every One Share of Ten Pounds held by them respectively in the Capital of the Company.

Annuities to represent Shares in Company.

Section 24. That the Annuities shall in all respects, both at Law and in Equity, be substituted for and represent the Shares in the Capital of the Company; and the several Parties in whom the Annuities become vested under this Act shall be possessed thereof respectively upon the same Trusts, and subject to the same Powers, Provisions, Charges, and Liabilities, as those upon and to which their respective Shares in the Capital of the Company are on the Commencement of this Act held and subject, and the Annuities shall accordingly pass or be affected by any Will or other Instrument disposing of or affecting such Shares.

Corporation to issue Certificates for Annuities.

Section 25. That the Corporation shall at their own Expense issue to every Party in whom any Annuity becomes vested under this Act, or to his Successors, Executors, Administrators, or Assigns, on Demand in Writing made by him or them of the Corporation, and on Delivery by him or them to the Corporation of the Certificate of the Share in the Capital of the Company for which the Annuity is substituted, a Certificate of the Annuity, and such Certificate may be in the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Provision in case of Loss of Certificates of Shares in Company.

Section 26. Provided always, That if any Certificate of a Share in the Capital of the Company be lost or destroyed, then, on Proof thereof to the Satisfaction of the Corporation, they shall issue to the Party entitled to the Certificate so lost or destroyed a Certificate of the Annuity substituted for that Share.

Number of Annuities for which Certificates to be issued.

Section 27. That the Certificates for Annuities issued by the Corporation to any Party entitled thereto shall be so many, and each of them for so many Annuities, but not exceeding in the aggregate the whole Number of his Annuities, as he by Notice in Writing to the Corporation requires: Provided also, that if or so far as any Party entitled to more than One Annuity does not require any particular Number of Certificates to be issued to him, then the Certificates issued to him shall be so many, and each of them for so many Annuities, but not exceeding in the aggregate the whole Number of his Annuities, as the Corporation think fit, but they shall not demand any Sum for any such Certificate.

Certificates to be numbered.

Section 28. That the Certificates of the Annuities shall be numbered in arithmetical Progression, beginning with Number One, and every such Certificate shall be distinguished by its appropriate Number, and shall express the Numbers of the Shares in the Capital of the Company for which the Annuities specified in the Certificate are substituted.

Certificates of Annuities to be renewed when lost, &c.

Section 29. That if the Certificate of any Annuity be worn out or damaged, then on its being produced to the Corporation they may order it to be cancelled, and thereupon the Corporation shall issue a similar Certificate to the Party then entitled to the Certificate so worn out or damaged; or if any such Certificate be lost or destroyed, then on Proof thereof to the Satisfaction of the Corporation they shall issue a similar Certificate to the Party then entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Corporation in the Register of Oldham Gas and Water Annuitants; and for every such substituted Certificate the Corporation may demand any Sum not exceeding Two Shillings and Sixpence.

Certificates fo altered Numbers of Annuities.

Section 30. That if at any Time an Annuitant be desirous of having several Certificates instead of One, or One Certificate instead of several, for his respective Annuities, or any of them, then on any such Certificate or Certificates being produced to the Corporation they may order the same to be cancelled, and shall thereupon issue to him, as he requires, One or more Certificate or Certificates for their Annuities the Certificate or Certificates for which is or are so cancelled; and in every such Case a due Entry of the substituted Certificate or Certificates shall be made by the Corporation in the Register of Oldham Gas and Water Annuitants, and for every such substituted Certificate the Corporation may demand any Sum not exceeding Two Shillings and Sixpence: Provided always, that in every such Case the Number or the aggregate Number of the Annuities for which the substituted Certificate or Certificates are issued shall be the same as the Number or the aggregate Number of the Annuities the Certificate or Certificates for which is or are so cancelled.

Certificate of Annuity to be Evidence.

Section 31. That the Certificate of any Annuity shall be admitted in all Courts as primâ facie Evidence of the Title of the Holder thereof, his Executors, Administrators, Successors, or Assigns, to the Annuity therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Annuity from disposing thereof.

Register of Oldham Gas and Water Annuitants.

Section 32. That the Corporation shall keep a Book called "The Register of Oldham Gas and Water Annuitants," and shall enter therein fairly and distinctly from Time to Time the Names of the several Corporations and the Names and Additions of the several Persons respectively entitled to the Annuities, and the Number of Certificates of Annuities to which they respectively are entitled, and the respective Amounts of their Annuities, and their Surnames or Corporate Names shall be placed in alphabetical Order.

The Oldham Gas and Water Annuitants Address Book.

Section 33. That the Corporation shall also keep a Book called "The Oldham Gas and Water Annuitants Address Book," and shall enter therein fairly and distinctly from Time to Time in alphabetical Order the Corporate Names with the Places of Business of the Annuitants, being Corporations, and the Surnames of the other Annuitants, with the respective Christian Names and Places of

of Abode and Descriptions, so far as the same are known to the Corporation; and every Annuitant, and every Burgess of the Borough of Oldham, or if such Annuitant be a Corporation, their Clerk or Agent, may at all convenient Times inspect the Book gratis, and may require a Copy thereof, or any Part thereof, and for every One hundred Words so required to be copied the Corporation may demand a Sum not exceeding Sixpence.

Annuities to be Personal Estate.

Section 34. That the Annuities shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Transfers of Annuities to be by Deed duly stamped.

Section 35. That every Annuitant may sell and transfer all or any of his Annuities, and every such Transfer shall be by Deed duly stamped, in which the Consideration shall be truly stated, and such Deed may be according to the Form in Schedule (B.) to this Act annexed, or to the like Effect.

Transfer of Annuities to be registered.

Section 36. That every such Deed of Transfer (when duly executed) shall be delivered to the Corporation, and be kept by them, and they shall keep a Book called "The Register of Transfers of Oldham Gas and Water Annuities," and they shall enter a Memorial of every such Deed of Transfer in that Book, and shall endorse such Entry on the Deed of Transfer (such Endorsement to be signed by the Town Clerk), and shall on Demand deliver a new Certificate to the Transferee, and for every such Entry of a Deed of Transfer, with such Endorsement and Certificate, the Corporation may demand any Sum not exceeding Two Shillings and Sixpence; and on the Request of any Transferee an Endorsement of the Transfer to him shall be made on the Certificate of the Annuities transferred, instead of a new Certificate being granted; and such Endorsement being signed by the Town Clerk shall be considered in every respect the same as a new Certificate; and until such Deed of Transfer be so delivered to the Corporation the Transferee shall not be entitled to receive any Part of the Annuities transferred.

Closing of Transfer Books.

Section 37. That the Corporation may close the Register of Transfers of the Oldham Gas and Water Annuities for not exceeding Fourteen Days before the First Day of February and the First Day of August yearly, and any Transfer made during the Time when that Register is closed shall, as between the Corporation and the Transferee, but not otherwise, be deemed made after that Time.

Transmission of Annuities by other Means than Transfer to be authenticated by a Declaration.

Section 38. That if the Interest in any Annuity become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Annuitant, or in consequence of the Marriage of a Female Annuitant, or by any lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration in Writing as by this Act provided, and until the Transmission be so authenticated any Person claiming by virtue thereof shall not be entitled to receive any Part of the Annuity transmitted.

Contents of Declaration in all Cases.

Section 39. That every such Declaration shall state the Manner in which and the Party to whom the Annuity is transmitted, and shall be made and signed by some credible Person before a Justice, or before a Master or a Master Extraordinary of the High Court of Chancery; and such Declaration shall be left with the Corporation, and thereupon they shall enter the Name of the Person

Person entitled under such Transmission in the Register of Oldham Gas and Water Annuitants, and for every such Entry the Corporation may demand any Sum not exceeding Two Shillings and Sixpence.

Contents of Declaration in Cases of Transmission by Marriage, Will, &c.

Section 40. That if the Transmission be by virtue of the Marriage of a Female Annuitant, the Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of the Annuity; and if the Transmission be by virtue of any Testamentary Instrument or by Intestacy, the Probate of the Will or the Letters of Administration, or an official Extract therefrom, shall with the Declaration be produced to the Corporation, and upon such Production in either of those Cases the Corporation shall make an Entry of the Declaration in the Register of Transfers of Oldham Gas and Water Annuities.

Corporation not bound to regard Trusts.

Section 41. That the Corporation shall not be bound to see to the Execution of any Trust, whether expressed or implied or constructive, to which any Annuity stands in the Register of Oldham Gas and Water Annuities shall from Time to Time be a sufficient Discharge to the Corporation for any Money payable in respect of the Annuity, notwithstanding any Trusts to which the Annuity may then be subject, and whether or not the Corporation have had Notice of such Trusts; and the Corporation shall not be bound to see to the Application of the Money paid upon such Receipt.

Commencement and Payment of Annuities.

Section 42. That the Annuities shall be computed from the Commencement of this Act, and shall be paid at the Office in the Borough of Oldham of the Treasurer of the Borough in net Money, clear of all Deductions whatsoever (except Income or Property Tax or other Tax in the Nature thereof legally chargeable thereon), and shall be so paid by equal half-yearly Payments on the First Day of February and the First Day of August in every Year, the First Payment thereof to be made on the First Day of February One thousand eight hundred and fifty-four.

Certificate to be demanded before Annuity recoverable.

Section 43. Provided always, That the Corporation shall not be bound to pay any Annuity until the Party entitled thereto has demanded, as by this Act provided, a Certificate of it: Provided also, that an Annuity in arrear, and not wrongfully withheld by the Corporation, shall not bear Interest as against them.

Annuities recoverable by Suit.

Section 44. That if any Annuity or any Part of an Annuity, being payable, be not paid on Demand thereof in Writing made by the Annuitant or his Agent of the Corporation, the Annuitant may sue for and recover the same, with full Costs of Suit, in any Court of competent Jurisdiction.

Annuities recoverable by Receiver.

Section 45. That if within Thirty Days after any Annuity or any Part of an Annuity is payable, and after Demand thereof in Writing it be not paid, the Annuitant may, without Prejudice to his Right to sue for the Amount in arrear, require the Appointment of a Receiver; and several Annuitants whose Annuities are so in arrear may join in requiring the Appointment of a Receiver.

Appointment of Receiver.

Section 46. That every Application for such a Receiver shall be made to Two Justices, and on any such Application the Justices may, by Order in Writing,

Writing, after hearing the Parties, appoint some Person to receive the whole or a competent Part of the Monies then in and thereafter to come to the Hands of the Treasurer of the Borough of Oldham, and all or any other Monies then and thereafter payable to or for the Corporation, until the Annuities in arrear, and in respect whereof the Receiver is appointed, and all Costs, including the Costs of receiving such Monies, be paid or satisfied; and when such Appointment is made, the Monies so ordered to be paid to the Receiver shall be paid to him by the Treasurer and the Persons liable to pay the same to or for the Corporation respectively, and the Receipts of the Receiver for the Monies so paid shall be valid Discharges for the same, and from all Claims and Demands by the Corporation and the Annuitants in respect thereof; and the Money so received by the Receiver shall be so much Money received by or to the Use of the Annuitants on whose Behalf the Receiver is appointed; and after the Annuities in arrear and Costs have been so received the Power of the Receiver shall cease: Provided always, that if during the Continuance of the Receivership any Part of the Annuities of the Annuitants on whose Behalf he is appointed become payable, he may apply any surplus Monies in his Hands in or towards Payment thereof.

Corporation may redeem Annuities.

Section 47. That the Corporation may from Time to Time, by Agreement with any Annuitant, redeem all or any of his Annuities; and when any Annuity is so redeemed an Entry of the Redemption thereof shall be made in the Register of Oldham Gas and Water Annuitants, and thereupon the redeemed Annuity shall be wholly extinguished: Provided always, that the Corporation shall not redeem any Annuity at a higher Rate than that of Twenty-five Pounds for every One Pound Annuity.

Sinking Fund for Redemption of Annuities.

Section 48. That in order to redeem the Annuities the Corporation shall in the Year One thousand eight hundred and fifty-five, and in every subsequent Year, set apart out of the Borough Fund Two thousand Pounds as a Sinking Fund to be applied for such Redemption, and shall from Time to Time invest such Sinking Fund in the Purchase of any of the Parliamentary Stocks or Funds, or of Exchequer Bills or other Government Securities, or at Interest on Real Securities, and increase the same by Accumulation in the Way of Compound Interest or otherwise, and shall, when Opportunity offers, apply the same or Part thereof in redeeming the Annuities, and subject to such Application thereof the Sinking Fund shall be Part of the Borough Fund.

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18 and 19 Victoria, Cap. 47. (Local.)

Corporation may take Water from certain Brooks and Streams.

Section 23. It shall be lawful for the Corporation, and they are hereby empowered, subject to the Provisions of this Act, to take, store up, and appropriate the Waters of the Brooks and Streams called Piethorn Brook and Old Brook within the Townships of Butterworth, Crompton, and Oldham, in the Parishes of Rochdale and Prestwich-cum-Oldham in the said County Palatine of Lancaster, or some of them, and all other Brooks and Streams (shown on the said Plans) and Springs or Surface Drainage within the Parishes aforesaid flowing directly or derivatively into the River Beal which will or can be intercepted by the proposed Works delineated on the said Plans.

Compensation Water for Mills and other Works below Piethorn Reservoirs.

Section 24. Provided always, That the Corporation shall cause to flow from or out of the Reservoirs, or in case of Emergency from the other Works on Piethorn Brook by this Act authorized, for the Supply of Mills and other Works on the Brooks and Streams below such Reservoirs, a Quantity of Compensation Water not being less than Two hundred and nineteen Cubic Feet per Minute continuously during Twelve consecutive Hours of each of the Three hundred and seven Working Days in the Year, as herein-after defined, commencing at Six o'Clock in the Morning of each such Day; and except so long as the before-mentioned Quantity of Compensation Water shall be furnished and continued in manner aforesaid the Corporation shall not be entitled to take or appropriate to the Supply of the District within the Limits of this Act any of the Streams, Brooks, Springs, or Surface Drainage within the Township of Butterworth which the Corporation are herein-before authorized to take for the Purposes of this Act.

Definition of Working Days.

Section 25. The Working Days, to the Number of Three hundred and seven in every Year, which are herein-before referred to, shall be those which remain after excluding Sundays, Good Friday, Christmas Day, the Friday and Saturday in Whitsun Week, the Monday after the First Sunday in August, and the Day on which the First Monday Market of the Year is held at Rochdale.

Gauges to be maintained in Piethorn Brook.

Section 26. The Corporation shall erect and construct and for ever thereafter maintain upon the Piethorn Brook, within One hundred Yards of the Outside Foot of the Embankment of the lower Reservoir, where the same crosses the said Brook, a suitable measuring Gauge and other Works necessary and proper for ascertaining and regulating the actual Quantity of Water to be so discharged; and it shall not be lawful for the Corporation to take or appropriate to the Supply of the District within the Limits of this Act any of the Streams, Brooks, Springs, or Surface Drainage within the Township of Butterworth which they are herein-before authorized to take for the Purposes of this Act unless and until the said Gauge and other incidental Works have been made and completed and shall be maintained as required by this Act.

Compensation Water to be taken in full for Water below Reservoir.

Section 27. When the Corporation shall commence and so long as they shall continue to discharge the full Amount of Compensation Water as aforesaid out of the said Reservoirs or other Works, the same shall be taken by all Parties interested in such Supply of Compensation Water below the said Works by this Act authorized as full Compensation in respect of all Water which the Corporation can collect or divert from the Lands draining to the said Works on Piethorn Brook by this Act authorized.

Compensation Water for Mills and other Works below Conduits.

Section 28. Provided also, That the Corporation shall cause to flow from or out of the Reservoirs on Piethorn Brook, or other the Works in Butterworth, Crompton, or Oldham by this Act authorized, for the Supply of the Mills and other Works on the Streams below the Conduit leading from Brushes Clough to their Reservoir in Strines Dale, the respective Quantities of Compensation Water following; namely, into the Brushes Clough Stream the Quantity of Twenty-eight Cubic Feet per Minute continuously, and into the Besom Hill Clough Stream the Quantity of Twenty Cubic Feet per Minute continuously, the same to be delivered into the Brushes Clough Stream above the Hey Bleach Works, and

and into the Besom Hill Stream above Clough Old Mill, unless the Corporation find it inexpedient to deliver the same at so high an Elevation in each or either of the said Streams (in which Case they are to deliver the same above all Works on the said Brushes Clough Stream except the Hey Bleach Works and Brook Cotton Mill, and above all Works on the said Besom Hill Stream situate below Clough Old Mill, and are to make Compensation in Money as herein-after provided to the respective Owners and Occupiers of such of the said Mills and Works as do not receive Compensation in Water); and (except during the Interval of Three Years herein-after provided for), unless the before-mentioned Quantities of Compensation Water shall be furnished and continued to be delivered by the Corporation in manner aforesaid into the said Streams respectively, for the Supply of all Mills and Works thereon situate below the Three last before-mentioned Mills and Works, and also of those Three last-mentioned Mills and Works, except such of them as shall have received Compensation in Money, the Corporation shall not be entitled to take or appropriate to the Supply of the District within the Limits of this Act any of the Streams, Brooks, Springs, or Surface Drainage within the Townships of Crompton and Oldham which they are herein-before authorized to take for the Purposes of this Act.

Provision in case of Want of Compensation Water.

Section 29. The Corporation, in case they shall find it inexpedient to deliver the Compensation Water last aforesaid at an Elevation above the Hey Bleach Works, Brook Cotton Mill, and Clough Old Mill respectively before mentioned, shall make Compensation in Money to the Owners and Occupiers of the said Mills and Works for the Want of the said Compensation Water in every Instance in which the same is not delivered for their Use, the Amount of such Compensation, in case of Difference, to be determined in manner provided by the "Lands Clauses Consolidation Act, 1845," for determining Questions of disputed Compensation with respect to the Purchase and taking of Lands otherwise than by Agreement.

Gauges to be maintained on Streams.

Section 30. The Corporation, before they deliver the Compensation Water last before mentioned, shall erect and construct and for ever thereafter maintain upon each of the said Streams flowing down Brushes Clough and Besom Hill Clough respectively, but at Points prior to the flowing or Discharge of such Compensation Waters into the said respective Streams, a suitable measuring Gauge and other Works necessary and proper for ascertaining and regulating the actual Quantity of Water to be so discharged; and (except during an Interval of Three Years herein-after provided for) it shall not be lawful for the Corporation to take or appropriate to the Supply of the District within the Limits of this Act any of the Streams, Brooks, Springs, or Surface Drainage within the Townships of Crompton and Oldham which they are herein-before authorized to take for the Purposes of this Act, unless and until the said Gauges and other incidental Works have been made and completed and shall be maintained as required by this Act.

Compensation Water to be taken in full for Water below Point of Delivery.

Section 31. When the Corporation shall commence and so long as they shall continue to discharge the full Amount of Compensation Water as last aforesaid out of the said Reservoirs or other Works, the same shall be taken by all Parties interested in such Supply of Compensation Water below the Points respectively at which the said Compensation Water shall be delivered into the said Streams flowing down Brushes Clough and Besom Hill Clough respectively as full Compensation

Compensation in respect of all Water which the Corporation can collect or divert from the Lands draining to the said Conduit leading from Brushes Clough to the Strines Dale Reservoir.

Penalty on Failure.

Section 34. In case of any Failure, Neglect, or Default, by or in consequence of which the Quantity of Water required by this Act to flow or be discharged through or over the said Gauges respectively in manner aforesaid, for the Use of the Occupiers of the Mills and other Works interested in such Supply, shall not so flow or be discharged, the Corporation shall, for every Day on which such Failure, Neglect, or Default shall occur, forfeit to the Occupiers of each of the Mills and Works affected thereby who shall have actually received Damage or incurred any Loss by reason of such Failure, Neglect, or Default as aforesaid, and who may sue for and recover the same, the Sum of Ten Pounds: Provided always, that in case of any Mill or other Works being in the Occupation of several Persons, One Sum only of Ten Pounds per Day shall be payable by the Corporation in respect of that Mill or those other Works for such Failure, Neglect, or Default.

Repairs of Weirs, &c.

Section 35. If at any Time any of the Gauges or Side Weirs by this Act directed to be fixed on or adjoining any of the said Brooks or Streams shall be in an unfit State of Repair or Condition for the Purposes for which they are intended, the same shall be forthwith put into a proper and effectual State of Repair and Condition by and at the Expense of the Corporation; or if they fail to do so within Ten Days after Notice in Writing given to them on behalf of any Three of the Occupiers of the Mills and Works interested in such Supply of Water to pass through or over the same, requiring the Corporation so to do, it shall be lawful for the said Occupiers, or any of them, to cause such Repairs to be done and performed in connexion with the said Gauges and Side Weirs as shall be necessary for placing them in a proper and efficient State and Condition, and to recover the Expense of such Repairs, with full Costs of Suit, against the Corporation in any Court of competent Jurisdiction.

Access to Gauge.

Section 36. The Corporation shall give to the respective Owners and Occupiers of the said Mills and Works, and to their respective Agents and Servants, and to every of them, from Time to Time and at all Times, such Right of Access for any of the Purposes of this Act as the Corporation themselves possess and enjoy to the before-mentioned Gauges and other incidental Works and every Part thereof.

Exclusion of certain Waters.

Section 37. Provided always, That nothing in this Act contained shall authorize the Corporation to take or impound the Waters of any Springs, Brooks, Rivulets, Streams, or Drains, or any Surface Water arising or flowing, or which might be intercepted (except such Water as they are now entitled to take), between the higher Reservoir in Strinesdale and the Middle of a Field marked Sixty-eight on the Line of Conduit upon the Plan deposited as in this Act mentioned; but the Conduit or Tunnel shown on the said Plan as intended to be made between the Points aforesaid shall be a closed and Water-tight Conduit or Tunnel, and shall be constructed and for ever thereafter maintained by the Corporation in such Manner as effectually to prevent the Interception or Collection thereby of the Water of any Springs, Brooks, Rivulets, Streams, Drains, or any Surface Water which may be situate between the said higher

Reservoir

Reservoir in Strinesdale and the Middle of the Field marked Sixty-eight on the Line of Conduit upon the Plan.

For the Protection of John Skelton.

Section 38. The Corporation shall, if thereunto required by John Skelton, Esquire, or other the Owner for the Time being of the Mill called Kitcliffe Mill, and the Tenter Ground attached to the same, within One Year after the passing of this Act, purchase and take the whole of such Mill and Tenter Ground, and the Value or Compensation to be paid for the same shall be settled and determined in the Manner provided by the "Lands Clauses Consolidation Act, 1845," for Lands taken for the Purposes of this Act.

Accommodation Works.

Section 39. For the Accommodation of the Owners and Occupiers of adjoining Lands, the Corporation shall make and for ever thereafter maintain all necessary Hedges, Fences, or Walls for separating the Lands to be taken by the Corporation under the Provisions of this Act from the adjoining Lands, and all such Gates, Posts, Bridges, Plattings, Culverts, and other Works and Conveniences as may from Time to Time be requisite and proper for the affording of free Access to and the convenient Enjoyment of such adjoining Lands: Provided always, that if from Time to Time any Difference arise as to the Nature, Dimensions, Number, or Sufficiency of the Works and Conveniences to be so provided by the Corporation, or as to the Repair or Condition thereof, the same shall, on the Application of the Corporation or any Party aggrieved, be determined by Two Justices, who are hereby required to hear and determine the same, and such Justices may appoint a Time within which such Works and Conveniences or such Repairs shall be commenced and executed by the Corporation.

On Failure of Corporation Party aggrieved may execute Works, &c.

Section 40. If the Corporation shall fail for Thirty Days next after the Time so appointed by such Justices for the Commencement of any such Works, Conveniences, or Repairs to commence the same, or having commenced to proceed diligently to execute the same in a sufficient Manner, and according to the Determination of such Justices, the Party aggrieved by any such Failure may execute or complete such Works, Conveniences, or Repairs, and the Expenses incurred by him in so doing shall be repaid to him by the Corporation, and be recoverable from them in any Court of competent Jurisdiction.

Fencing off Road or Approach.

Section 41. The Corporation shall separate the Road or Approach delineated on the said Plans from the Field numbered One hundred and ninety-two on the said Plans by a good and substantial Fence (on both Sides) of open Railings of not less than Four Feet and Six Inches in Height above the Ground.

Provisions as to User of intended Road.

Section 42. It shall be lawful for John Taylor, James Taylor, and Elizabeth Taylor respectively, and their respective Heirs and Assigns, and for all Persons authorized by them respectively, to have and enjoy a Right of Way over the Road or Approach shown on the said Plans, with or without Horses or Carriages, for all Purposes connected with the Occupation of any Land belonging to them respectively, or any Dwellings or Buildings thereon, without paying any Compensation in respect of such Right of Way, and for all other Purposes upon Payment of a due Contribution towards the Repairs of such Road or Approach, such User thereof in any Case not to interfere with the User thereof by the Corporation, or by any other Persons by their Permission.

Road not to interfere with Supply of Water to Ogden Mill.

Section 43. It shall not be lawful for the Corporation, in making or maintaining the said Road or Approach, to interfere with or anywise injure any of the Springs now supplying or used at the Ogden Mill, without the previous Consent in Writing of the Owner of that Mill.

Act not to include certain Reservoirs and Springs.

Section 44. It shall not be lawful for the Corporation to purchase, enter upon, take, or use (otherwise than by Agreement with the respective Owners thereof) the Reservoirs numbered on the said Plans respectively One hundred and seventy-three, One hundred and ninety-three, and One hundred and ninety-nine, or any of them, or to interfere with any Springs below the proposed Reservoirs now supplying or used at the Ogden Mill.

Limitation of Higher Ogden Conduit.

Section 45. It shall not be lawful for the Corporation to make or construct any Part of their Line of Conduit between Higher Ogden and Tom Clough further in a Westerly Direction than the Westerly Fence of the Field numbered Ninety-four in the Parish of Rochdale on the said Plans.

Corporation not to interfere with Drainings, &c. of Lands.

Section 46. Nothing in this Act contained shall prevent the Owner or Occupier of any Land from manuring the same in an ordinary Manner, or from making Drains or Soughs therein for the Improvement of such Land.

Corporation may draw off Water from Reservoirs for the Purpose of Repairs or cleansing, making Compensation, &c.

Section 47. It shall be lawful for the Corporation from Time to Time, as and when it may be necessary or proper so to do, to cause the Water to be drawn or let off from any of their Reservoirs, either for the Purpose of repairing such Reservoirs, or any of the Dams, Banks, Trunks, Channels, Watergates, Pipes, and other Works appertaining thereto, or for the Purpose of cleansing out such Reservoir, or any Part thereof; but in that Case the Corporation shall use all convenient Speed in making such Repairs or in executing such cleansing, and shall make full Compensation to the Owners and Occupiers of all Mills and Works interested in the Supply of Water from any such Reservoir for all Loss and Damage to be sustained by them or any of them by reason of the drawing or letting off the Water from any such Reservoir.

THE

THE THIRD SCHEDULE.

LANDS on which NEW GASWORKS may be ERECTED.

First. The Closes and Parcels of Land belonging to the Corporation situate at or near Higginshaw in the Township of Royton in the Parish of Prestwich-cum-Oldham in the County Palatine of Lancaster, bounded on or towards the North-east by the Royton Branch of the Lancashire and Yorkshire Railway; on or towards the North in part by an Occupation Road which is intended for a Street, and in other part and on the North-west by Land belonging to Sir Joseph Radcliffe, Baronet; on or towards the West in part by Edge Lane Road, and in part by Land belonging to John Tomlinson Hibbert, Esquire, M.P., and others; on or towards the South by Land belonging to the said John Tomlinson Hibbert, Esquire, M.P., and others; and on or towards the South-west partly by Land belonging to the said John Tomlinson Hibbert, Esquire, M.P., and others, and partly by Land, Buildings, and Premises belonging to Mrs. Anthony Firth or her Trustees; on or towards the South-east in part by the said Land and Buildings belonging to Mrs. Anthony Firth or her Trustees, in part by the Higginshaw Lane leading from Oldham to Shaw, and in part by the Land and Buildings next herein-after described; and on the East by the Continuation of the said Higginshaw Lane; all which said Lands are now in the Occupation of the Corporation or James Winterbottom their Tenant.

Secondly. The Piece or Plot of Land at Higginshaw in the Township of Royton in the Parish of Prestwich-cum-Oldham in the said County Palatine, bounded on the South-west, North-east, and North-west by the Lands or Parts of the Lands first above described as Part of the Site of the intended Manufactories, Gasometers, and Works for making and storing Gas, and on the South-east by Higginshaw Lane, together with the Five Cottages or Dwelling Houses thereon erected, all which Piece of Land, Cottages, and Premises now under Description belong to James Lingard, John Whitehead and Ann his Wife, and Thomas Taylor, or some or one of them, and are in the respective Occupations of the said John Whitehead, Daniel Neild, Joseph Wolfenden, James Lees, and Henry Thewlis, or some or one of them.

Thirdly. The Piece or Plot of Land belonging to or reputed to belong to Esther Gee (an Infant, the only Child and Heiress-at-Law of the late George Gee, deceased), Edward Clegg, and George Hamilton and Elizabeth his Wife, or some or one of them, and situate in the Township of Failsworth in the Parish of Manchester in the County Palatine of Lancaster, bounded on the West partly by the Site of an intended Street which lies on the Eastern Side of the Gasworks there belonging to the Corporation, and partly by Land belonging to the Corporation; on the North and South by Lands and Buildings belonging or reputed to belong to the said Esther Gee, Edward Clegg, and George Hamilton and Elizabeth his Wife, or some or one of them; and on the East by an Occupation Road belonging to Abraham Leach, Esquire, the said Esther Gee, Edward Clegg, and George Hamilton and Elizabeth his Wife, and the Mayor, Aldermen, and Burgesses of the Borough of Oldham as Surveyors of Highways within the said Borough, or some or one of them.

Fourthly. A triangular Strip or Piece of Land belonging to John Tomlinson Hibbert, Esquire, M.P., and others, and situate in the Township of Failsworth in the Parish of Manchester in the said County Palatine, and bounded on the West by the Site of the before-mentioned intended Street lying on the Eastern Side of the Gasworks there belonging to the Corporation, on the South by the lastly before-described Land, and on the East by other Land of the said John Tomlinson Hibbert, Esquire, M.P., and others.

THE

THE FOURTH SCHEDULE.

POSITION of CORPORATION on 31st Day of August 1864 with respect to INCUMBRANCES and SINKING FUND and BORROWING POWERS.

I.—*Incumbrances.*

Perpetual Annuities charged by Oldham Corporation Gas and Water Act, 1853, on Corporate Estates and Borough Fund as Consideration for Purchase of Property and Rights of Oldham Gas and Water Company - £10,000 a Year			
Of which redeemed by Sinking Fund of £2,000 a Year under same Act, and other Money of the Corporation £1,212 a Year			
Leaving due Annuities - - - £8,788 a Year			
Estimated at (25 Years Purchase) - -	£219,700	0	0
Borrowed on Mortgage of Corporation Estates and Borough Fund under Powers in Oldham Corporation Gas and Water Act, 1855, authorizing borrowing to Extent of £160,000 - - - - - -	£145,279	14	4
Borrowed on Mortgage of Rates from Public Works Loan Commissioners under Public Works (Manufacturing Districts) Act, 1863, Sums advanced and to be advanced, not exceeding in the whole—			
For Park - - - -	£27,900	0	0
For Streets and Sewerage - -	£75,000	0	0

II.—*Sinking Fund.*

Sinking Fund created under Oldham Corporation Gas and Water Act, 1855, for Redemption of Mortgages, and remaining unapplied - - - - -	£28,033	8	2

III.—*Borrowing Powers.*

Under Oldham Corporation Gas and Water Act, 1855, Power to borrow for Purposes of Gas and Water on Mortgage of Corporate Estates, Borough Fund, and Borough Rate, a further Sum of - - - - -	£14,720	5	8

THE FIFTH SCHEDULE.

No. 1.

FORM OF ORDER FOR SEWERING, PAVING, &c.

Oldham Borough Improvement Act, 1865.

[7th] Day of [October] 18[66].

It is resolved and ordered by the Council of the Borough of Oldham that on or before the Day of 18[ ] the following Streets [*A.* Street] [*B.* Street] *be freed from Obstruction, sewered, drained, levelled, flagged, paved [*or* macadamized,] and otherwise completed,* at such Levels, with such Inclinations, and with such Sewers and Drains of such Dimensions as are shown on the Plans and Sections deposited in the Office of the Borough Surveyor, and with the Materials and in the Manner herein-after specified; namely,

[*Here specify Nature of Materials, &c.*]

[*J.P.*] Town Clerk.

* *If the Order is for sewering, draining, and levelling only, omit the Words between the Asterisks* * * *and insert instead thereof the following; namely,* "be sewered, drained, and levelled."

No. 2.

FORM OF NOTICE FOR EXECUTION OF WORKS, &c.

Oldham Borough Improvement Act, 1865.

The Corporation of the Borough of Oldham hereby give you Notice that you are ordered and required, on or before the Day of 18 * to execute and do the Works and Things hereunder specified.

Dated this Day of

A.B., Borough Surveyor.

To *X. Y.* of

[*Here specify the Works, &c. required.*]

* *Insert here, where the Nature of the Notice so requires,* "not later than the Hour of [ ] o'Clock in the [Fore]noon."

No. 3.

No. 3.

FORM OF NOTICE OF INTENTION OF CORPORATION TO EXECUTE WORKS, &c.

Oldham Borough Improvement Act, 1865.

The Corporation of the Borough of Oldham hereby give you Notice that they intend to execute and do the Works and Things hereunder specified.

Dated this Day of 18 .

A.B., Borough Surveyor.

To *X.Y.* of

[*Here specify the Works, &c. intended.*]

No. 4.

FORM OF WARRANT OF AUTHORITY FROM JUSTICE.

Oldham Borough Improvement Act, 1865.

I, *A.B.*, One of Her Majesty's Justices of the Peace for the Borough of Oldham, hereby authorize you [*here specify the Act authorized*], for doing which this shall be your Warrant.

Dated this Day of

C.D.

To *L.M.* [Constable, *&c.*]

No. 5.

FORM OF AUTHORITY FROM CORPORATION.

Oldham Borough Improvement Act, 1865.

The Corporation of the Borough of Oldham hereby authorize you

[*Here specify the Act authorized.*]

Dated this Day of 18 .

J.P., Town Clerk.

To *L.M.* [Constable, *&c.*]

No. 6.

FORM OF ORDER AS TO UNDERGROUND] DWELLINGS.

Oldham Borough Improvement Act, 1865.

The Corporation of the Borough of Oldham hereby give you Notice that they order and require that the Occupation as a separate Dwelling of the Cellar [*or* Vault, *or* underground Room] hereunder specified be from the Expiration of One Calendar Month from the Service hereof on you discontinued.

Dated this Day of 18 .

J.P., Town Clerk.

To *X.Y.* of

[*Hereby specify Cellar, &c.*]

No. 7.

FORM OF DECLARATION OF HIGHWAY.

Oldham Borough Improvement Act, 1865.

Day of 18 .

It is resolved and declared by the Council of the Borough of Oldham that the following Street, namely [*A.* Street] is a public Highway.

J.P., Town Clerk.

No. 8.

FORM OF RATE BOOK.

An Assessment to the Borough Rate under the Oldham Borough Improvement Act, 1865, for the Borough of Oldham in the County of Lancaster, made the Day of 186 .

Number on the Rate.	Name of the Person rated.	Name of the Owner of the Property.	Description of Property.	Situation of Property.	Rent or Annual Value.	Amount of Rate at in the Pound.

Signed by me this Day of 186 .

A.B., Town Clerk.

No. 9.

FORM OF NOTICE OF RATE.

Oldham Borough Improvement Act, 1865.

The Corporation of the Borough of Oldham hereby give Notice that a Borough Rate has this Day been made, and that the Book in which the same is written is deposited in the [ ] Office at the Town Hall.

Dated this Day of .

J.P., Town Clerk.

FORM OF WARRANT OF DISTRESS FOR RECOVERY OF GAS AND WATER RENTS, BOROUGH RATES, &c.

Borough of Oldham (to wit):

To the Mayor, Aldermen, and Burgesses of the Borough of Oldham in the County Palatine of Lancaster [and to their Collectors of Gas Rents or Water Rents or Borough Rates, *as the Case may be*], and to the Constables of the said Borough.

These are in Her Majesty's Name to command you to levy the Sum of by Distress of the Goods and Chattels of *A.B.* of , and if the same is not paid within the Space of Days next after such Distress by you taken, together with the reasonable Charges of taking and keeping the same, that then you do sell the Goods and Chattels by you distrained, and out of the Money arising from such Sale that you do detain the said Sum, and also your reasonable Charges of taking, keeping, and selling the said Distress, rendering to the said *A.B.* the Overplus on Demand; and if sufficient Distress cannot be found of the Goods and Chattels of the said *A.B.* whereon to levy the said Sum, that then you do certify the same to me, together with this Warrant, to the end that such further Proceedings may be had thereon as to the Law doth appertain.

Given under my Hand and Seal the Day of One thousand eight hundred and .

FORM OF MORTGAGE.

Oldham Borough Improvement Act, 1865.

Mortgage, No. Pounds.

By virtue of the above-mentioned Act the Mayor, Aldermen, and Burgesses of the Borough of Oldham, in consideration of Pounds paid to them by *A.B.* of , grant to him, his Executors, Administrators, and Assigns, the Corporate Estates and Borough Fund of the Borough, to hold until the said Sum of Pounds be repaid to him or them, with Interest at the yearly Rate of Pounds in the Hundred by equal half-yearly Payments on the Day of and the Day of in every Year from the Day of the Date hereof, the Principal to be repaid on the Day of , at the Option of either Party, and all Payments to be made at the Office in Oldham of the Treasurer of that Borough.

Given under the Seal of the Mayor, Aldermen, and Burgesses this Day of One thousand eight hundred .

FORM OF TRANSFER OF MORTGAGE.

Oldham Borough Improvement Act, 1865.

I, *A.B.* of , in consideration of Pounds paid to me by *C.D.* of , transfer to him, his Executors, Administrators, and Assigns, the Mortgage, No. , of the Corporate Estates and Borough Fund of the Borough of Oldham, for Pounds, and Interest at the yearly Rent of Pounds in the Hundred, granted on the Day of by the Mayor, Aldermen, and Burgesses of that Borough [*or, if the Transfer be by Endorsement,* the within-written Security], and all my Right and Interest in and under the same.

As witness my Hand and Seal this Day of One thousand eight hundred .

THE

THE SIXTH SCHEDULE.

TOLLS, STALLAGES, and RENTS to be taken at the MARKETS and FAIRS.

FOR OPEN MARKET OR FAIRS.

	£	s.	d.
For every Horse, Mare, or Gelding - - - -	0	0	6
For every Ass or Mule - - - - - -	0	0	3
For every Bull, Ox, or Steer - - - - -	0	0	6
For every Cow, Heifer, or Stirk - - - - -	0	0	4
For every Calf - - - - - - -	0	0	2
For every Score of Sheep and Lambs - - - -	0	1	3
For every Pig - - - - - - -	0	0	1
For every Skip or Crate of Sucking Pigs, containing not exceeding Six - - - - - - - -	0	0	6
For every ditto exceeding Six - - - - -	0	1	0

FOR PENS AND LAIRS.

Open Pens for Calves, Sheep, or Pigs, &c., each - - -	0	0	6
Covered Pens for Calves, Sheep, or Pigs, &c., each - -	0	1	0
Lairs—			
For every Horse, Mare, or Gelding - - - -	0	0	6
For every Colt, Filly, or Foal - - - -	0	0	3
For every Bull, Steer, Cow, or Heifer - - -	0	0	3
For every Calf, Sheep, Lamb, Pig, or Goat - - -	0	0	0½
In a Covered Market—			
For every Waggon-load of Hay, Straw, or Fodder - -	0	1	0
For every Cartload of Hay, Straw, or Fodder - -	0	0	6

Covered Provision and Vegetable Market and Carcase Market Tolls.

Shops.

	£	s.	d.
From the Occupier of every enclosed Shop or Stall, whether for Sale of Butcher's Meat, Game, Poultry, Fish, Vegetables, Fruit, China, Glass, Earthenware, Baskets, Hardware, or other Commodities, Articles, or Things, according to the Size and Dimensions of such Shop; namely, for each Superficial Foot or fractional Part thereof, if let by the Week, any weekly Sum not exceeding - - - - - - -	0	0	1½

Butchers Stalls.

From every Person occupying or using any Butcher's Stall or Standing, or any Ground Space for the Sale of Meat, according to the Size and Dimensions of the same; namely, for each Superficial Foot or fractional Part thereof of every such Stall, Standing, or Ground Space occupied or used by him, if let by the Week, any weekly Sum not exceeding - - - -	0	0	1½
And if let by the Day, a proportionate Part of such weekly Charge.			

Carcase and Skin Tolls.

For every Carcase or Part of a Carcase of a Bull, Bullock, Cow, Steer, Heifer, Calf, Sheep, or Pig brought into the Market to be disposed of otherwise than by Sale by Retail, and whether sold or not, any Sum not exceeding - - - - -	0	0	6
For every Hide or Skin raw, undressed or dressed, brought into the Market for Sale, and whether sold or not, any Sum not exceeding - - - - - - -	0	0	2

Open Markets.

Provision, Vegetable, and other Stalls, Stands, and Ground Space.

From every Person occupying or using any Stall, Standing, Cart, Barrow, Basket, Box, Bench, or Barrel for the Sale of Vegetables, Provisions, Fruit, Fish, Game, Poultry, China, Glass, Earthenware, Baskets, Hardware, or other Commodities, Articles, or Things, according to the Size and Dimensions of the same; viz., for each Superficial Square Foot and fractional Part of a Superficial Square Foot of the Ground Space covered or occupied by any such Stall, Standing, Cart, Barrow, Basket, Box, Bench, or Barrel, any Sum not exceeding for every Day - -	0	0	1

Ground Space.

From every Person occupying or using any Space on the Surface of the Ground, according to the Size and Dimensions of the same; viz., for each Superficial Square Foot and the fractional Part of a Superficial Square Foot of the Ground Space occupied or used by him, any daily Sum not exceeding - - - -	0	0	1

TOLLS AT FAIRS.

	£	s.	d.
For every Stall, Basket, Cart, Barrow, Standing, Box, Bench, Barrel, or Ground Space occupied or used by any Person exposing to Sale any Goods, Articles, Commodities, or Things whatsoever, and for every Show, Caravan, Exhibition, Booth, Tent, Theatre, or Place of Amusement, according to the Size and Dimensions thereof; viz., for every Superficial Square Foot or fractional Part of a Superficial Square Foot of the Ground Space covered by such Stall, Basket, Cart, Barrow, Standing, Box, Bench, Barrel, Show, Caravan, Exhibition, Booth, Tent, Theatre, or Place of Amusement, and of any Ground Space occupied or used by him, any Sum not exceeding for each Day - - - -	0	0	1½
From any Person carrying or exposing for Sale any Provisions, Vegetables, Goods, Articles, Commodities, or Things whatsoever in any Market or Market Place or Places for Fairs in the Borough, or in any Lands connected therewith, and who shall not be otherwise chargeable under this Schedule as occupying any Stall, Standing, or Ground Space, any Sum not exceeding for each Day - - - - - - -	0	0	6

WEIGHING AND MEASURING TOLLS TO BE TAKEN IN THE SEVERAL MARKETS AND FAIRS.

For every Article, Matter, or Thing, of whatever Description, weighing not more than 20 lbs. Avoirdupois - - -	0	0	0½
For every Article, Matter, or Thing, of whatever Description, weighing more than 20 lbs. Avoirdupois, and not exceeding 240 lbs. - - - - - - -	0	0	1
For every Article, Matter, or Thing, of whatever Description, weighing more than 240 lbs. - - - - -	0	0	2
For measuring any Quantity of Goods, Article, Matter, or Thing sold by Measure not exceeding One Bushel - - -	0	0	0½
For measuring every Quantity more than One Bushel and not exceeding Two Bushels - - - - -	0	0	1
And for every Bushel beyond Two Bushels - - -	0	0	0½

TOLLS TO BE TAKEN FOR WEIGHING CARTS AND THEIR LOADINGS.

For a Cart containing any Quantity not exceeding Three Tons of Coal or Manure - - - - - -	0	0	2
For a Cart containing any Quantity not exceeding Three Tons of Hay, Straw, Grass, Clover, or other Goods - - -	0	0	3
For a Cart, Waggon, or Lurry containing exceeding Five Tons -	0	0	4
For a Cart, Waggon, or Lurry containing above Five Tons and not exceeding Ten Tons - - - - -	0	1	0
For empty Carts, Waggons, or Lurries reweighed for Tare -	0	0	1

TOLLS FOR USE OF SLAUGHTER-HOUSES.

	£	s.	d.
For every Ox, Cow, Bullock, Steer, or Heifer - - -	0	1	0
For every Calf - - - - - - -	0	0	6
For every Sheep or Lamb - - - - -	0	0	3
For every Hog or Pig - - - - - -	0	0	6
For every other Beast - - - - - -	0	1	0

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